

bulletin





The Department of State bulletin

VOL. XX, No. 514 • PUBLICATION 3501

May 8, 1949

The Department of State BULLETIN, a weekly publication compiled and edited in the Division of Publications, Office of Public Affairs, provides the public and interested agencies of the Government with information on developments in the field of foreign relations and on the work of the Department of State and the Foreign Service. The BULLETIN includes press releases on foreign policy issued by the White House and the Department, and statements and addresses made by the President and by the Secretary of State and other officers of the Department, as well as special articles on various phases of international affairs and the functions of the Department. Information is included concerning treaties and international agreements to which the United States is or may become a party and treaties of general international interest.

Publications of the Department, as well as legislative material in the field of international relations, are listed currently.

For sale by the Superintendent of Documents
U.S. Government Printing Office
Washington 25, D.C.

PRICE:
52 issues, domestic \$5, foreign \$7.25
Single copy, 15 cents

The printing of this publication has
been approved by the Director of the
Bureau of the Budget (February 18, 1949).

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Consular Services for German Nationals

by Walter J. Marx

The Interim Office for German Affairs is a unique experiment for which there appears to be no precedent in the history of the United States. During World War II the interests of the German Government in the United States were protected by the Swiss Legation at Washington. Upon the defeat of Germany in May 1945, the Swiss Government turned over to the United States the German Embassy and other German diplomatic property. Since the German Government no longer existed, the 300 thousand German nationals in the United States, and for that matter, those elsewhere in the world outside of Germany, found themselves without protection. There were no longer any consular officers who might issue travel documents to Germans or take measures to protect their property interests, to certify legal documents for use in Germany and to give other such services. Until they relinquished the protection of German interests, the Swiss had even continued the payment of German pensions in this country. Many aged German people after May 1945, unable to obtain their pensions any longer, lost their only means of livelihood.

The lack of valid travel documents proved to be increasingly embarrassing to German nationals. Immediately after the German collapse most Germans outside of Germany remained very quiet and made little attempt to travel. But as time passed, and the Allied Powers began the economic rehabilitation of the Western zones of Germany, German business men in the United States attempted to re-establish ties with German business firms and found it necessary to send their agents to Germany and to other countries. Germans in the United States and citizens of German heritage began to hear from their relatives in Germany from whom they had been cut off for five or more years. Aged mothers were dying, family affairs were badly snarled, estates had been inherited, relatives had become lost during the tremendous uprooting of populations started by Hitler and intensified by the Poles and the Soviets.

Since there was no immediate prospect of signing a definitive German peace treaty and of establishing a new German government with full sovereign powers, the Department of State attempted to find some temporary solution to the problem caused by the collapse of consular protection for German nationals abroad. There was also some uneasiness in the Department at the thought of 300 thousand Germans carrying on their affairs and possibly traveling abroad on makeshift travel documents. Travel-control aspects of the problem and the possibility of establishing interim offices to perform consular functions for German nationals in each country having a large German population were studied.

The matter was presented to the Allied Control Council in Berlin, and after much discussion all Four Powers agreed in December 1946, that the Interim Offices for German Affairs should be established. In order to implement the Allied decision, Congress authorized a bill for the Department of State to perform certain consular services for German nationals residing in the United States. The Soviet authorities, however, later changed their minds in regard to the establishment of interim offices, thus forcing a temporary abandonment of the world-wide plan.

The Division of Protective Services took little further action in regard to the bill, and as the 80th Congress drew to a close it seemed apparent that the bill would be lost in the final rush of legislation. However, in the closing hours of the session, Public Law 798 was passed authorizing the Department to perform certain consular services for German nationals in the United States, "its Territories and possessions." Since a bill for funds had not been submitted to the Congress, no money was available to the Department to carry out the purpose of the law. It was anticipated that the functions would pay for themselves out of the fees obtained from persons requesting consular services, but the law would not permit the Department of State to use this income directly for carrying out the consular

functions. The money would have to go to the U.S. Treasury. A specific appropriation from Congress would then be required to carry on the work.

The original intention had been to use emergency funds temporarily to set up an Interim Office for German Affairs, but after the passage of Public Law 798 it was determined that these funds were not available. Nevertheless, the matter was pressing because upon the publication of the bill inquiries began to pour into the Department regarding the new functions. An office would have had to be set up if only to reply to such inquiries.

There was also the problem of coordination with the military authorities in Germany since the original plan had called for the establishment of a consular backstop in Germany, similar to the consular section of the former German Foreign Office. But at that time to hope to obtain Allied agreement for the reestablishment of even a shadow of the old German Foreign Office seemed futile. At best, many months of effort would be required. Since Congress had authorized the functions of the Office, it was decided to go ahead and begin the performance of the functions. The military authorities were requested to make the necessary arrangements in the three Western zones of Germany for acceptance of documents issued by the new office in Washington.

The original plan for the Office had called for an initial registration of all German nationals in the United States and a questionnaire was devised in German and English designed to catch any potential troublemakers or former Nazis. To process this registration it was estimated that over a hundred employees would be necessary. Since refunds were available and because the security aspect of the Office gradually faded into the background, particularly because the Department of Justice presumably already had on file complete records, it was decided to drop the registration idea.

In the summer of 1948 the most pressing problem for Germans in this country was the procurement of travel documents. So the Division of Protective Services, which would be directly responsible for the functioning of the new Office, with a skeleton staff began two essential functions: travel documentation and the authentication of legal documents for use in Germany.

With this small staff, the Interim Office opened operations early in August 1948, by attempting to answer the large volume of mail that had been

accumulating—a thousand pieces of mail a month were pouring in.

The key items required for beginning the performance of consular functions were travel documents, a great seal of office, wafers, and authentication forms. An original travel document, written in English, French, and German, based roughly upon a similar document issued by the Military Government in Germany, was designed and was printed. A seal of office was also designed and then manufactured by the Bureau of Engraving and Printing. Inquiries in an ever increasing volume continued to pour into the Department. Early in August the Departmental regulation formally establishing the Interim Office was published in the *Federal Register*, and travel agents and lawyers began to call upon the Interim Office in person for more detailed information about its functions.

It was not before September 13, 1948, that the travel documents were ready for issuance and the seal of office delivered from the Bureau of Engraving and Printing. By the close of the month some \$2,000 in fees had already been collected. During the first quarter of 1949 over \$10,000 was received, and during the spring-travel rush, income is running about \$4,000 each month. Consequently, the Interim Office is more than paying its own way.

It is surprising to note that about 70 percent of the travel-document business of the Office is concerned with the return to Germany of Germans who came recently to this country, mainly aged people who came on immigration visas to join sons and daughters. They become homesick, and many wish to return to Germany within a month after their arrival in America. Many husbands have even written frantic letters to the Interim Office stating that their mothers are breaking up their homes, and some American daughters-in-law resent an elderly German woman's taking possession of the kitchen, reorganizing the household along efficient German lines, and replacing American with German cooking.

The Interim Office is also patronized steadily by homesick or unhappy war brides, particularly by those who at one time had had a rather pleasant and easy life in Germany. Apparently, many an American soldier exaggerated his economic circumstances at home. In a few cases, no matter how desperate the situation may be in Germany to which they are returning, German war brides in-

sist upon returning, having given up all hope of making a success of their American marriage or of life in America. A surprising number of attractive and intelligent girls, after divorcing their American husbands, state they wish to return to Germany because of loneliness, even in our cities with large German populations. In keeping with German consular regulations the Interim Office has tried to be particularly helpful in aiding these war brides without, of course, overstepping the Departmental regulations which restrict sharply the amount of protection that the Interim Office may give German nationals.

Most of the other clients of the Office are Germans going home to visit aged relatives, to take care of inheritances, to look after their property, or for other business matters. Occasionally Germans are going to India, South Africa, South America, and elsewhere on Interim Office documents. Some German seamen find an Interim Office travel document indispensable in obtaining a job on American vessels and in obtaining the necessary Coast Guard clearance. Until the establishment of the Interim Office, German seamen residing in the United States found themselves in a most difficult position, being unable to work without some sort of documentation. Occasionally, the Visa Division of the Department of State granted a waiver of passport requirements to such men but these waivers had to be renewed at rather brief intervals and did not take the place of a valid travel document.

It should be made clear that in authorizing the Department of State to perform consular services for German nationals in this country, Congress did not authorize taking over the protection of these nationals in the fashion, for example, that the Swiss protected them during the war. Neither can Germans bearing Interim Office travel documents appeal to American consuls abroad for protection. The wording in three languages on the cover of the document makes this point clear. On the other hand, the travel document, in a passport-type booklet, is being generally accepted by all foreign consulates in the United States, and foreign visas are being granted to the holders enabling them to travel to other parts of the world. Certain nations refuse to accept improvised travel documents, such as affidavits of identity. One client of the Interim Office traveled all over Latin America on a United States reentry permit fortified with 20 pages of visas on blank sheets of paper.

A security check is made in every case to make certain that the Department is not facilitating the travel of a German whose travel may be opposed to the interests of the United States. However, since the great majority of Germans in this country entered on visas issued by American consular officers after thorough investigation, the Interim Office practically never finds information against an applicant that would preclude the issuance of a travel document. The Interim Office must, however, be on the alert for some German who may be in this country illegally or might be wanted by the authorities.

One of the curious requests that come to the Interim Office came from a young German of military age who had no immediate travel plans but who feared that war was imminent and wanted a travel document so that he could escape the draft by departing hurriedly from the country in the event of war.

One of the early problems consisted of keeping abreast of the current military regulations governing travel to the zones of occupation in Germany. The rules changed from time to time, varied in each zone, and the interpretation of the rules by Allied military officials changed sometimes from day to day. With the adoption of uniform travel regulations to all three Western zones and the establishment in Washington of a branch of the Berlin Combined Travel Board, the situation has improved. Liaison between the Military Permit Office and the Interim Office is necessarily close. Both Offices realize the anomaly of having one office issue travel documents to German nationals with a separate office issuing what amounts to German visas on the same documents and on the passports of other countries.

The work of the Interim Office is facilitated by its having been authorized to function outside of the normal Departmental channels. Routine mail is signed in the Office and is sent out directly. By using form letters it has been possible to answer all mail in a single day after its arrival.

Although original plans called for a legal section, there is at present no such section. The Interim Office makes no attempt to adjudicate questions of German citizenship. Its travel document states that the issuance of the document prejudices in no way the bearer's nationality. Documents are issued upon reasonable evidence of German nationality in the form of documents such as expired German passports, Military Government

travel documents, etc., and upon the oath of the applicant that he or she is a German national.

Unfortunately, Public Law 798 does not permit the Interim Office to document the worst victims of Hitler, persons who were deprived of their German citizenship by Nazi laws and who today understandably are unwilling to take an oath that they are still German citizens. But the Interim Office can document the German who loyally registered at a German Consulate before the war for German military service under Hitler since his registration is excellent evidence of his claim to German nationality.

When the Swiss relinquished the protection of German interests upon the collapse of Germany, the central German Interests Section continued to function at Bern but it is concerned more with welfare and relief in regard to the German population in Switzerland. The Interim Office has taken on no relief functions. Although the protection function of the Office is strictly limited, the Interim Office does provide a travel document which is generally recognized by other powers, and Germans in the United States have a governmental office to which they can turn for advice and information and from which they can expect to get an answer by return mail. For persons almost defeated by governmental red tape and bureaucratic procrastination these things mean a great deal. Particularly interesting is the fact that numerous Congressmen are actively interested in the work of the Office and call upon its facilities almost daily on behalf of the relatives of their constituents.

Because of the lack of personnel the work of the Interim Office has been restricted to the issuance of travel documents and the authentication of legal documents for use in Germany. A few "Lebensbescheinigungen" have also been issued, and these pieces of paper apparently have enabled certain Germans to obtain pension payments once more. An expansion of activities to include other consular functions depends not only on personnel but also upon the future of Germany, the formation of the proposed government of the Western zones and any consequent resumption by Germany of representation abroad.

The broad title of the Office causes some confusion for American citizens as well as for German nationals. Often people telephone or write to the Office regarding any matter that pertains to German affairs, protest the devaluation of their German bank accounts, request aid for relatives in Germany, or ask for help in solving complicated personal problems. With the recent establishment in the Department of the Office for German and Austrian Affairs, the title of the Interim Office was changed to the Interim Office for German Consular Affairs.

The Interim Office will pass out of existence at such time as its functions are no longer required, presumably after Germany has representatives of her own in the United States. This Government in the meantime will carry out its obligations as custodian of a conquered people and will attempt to satisfy the personal needs of deserving German nationals for consular functions.

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¹ Printed materials may be secured in the United States from the International Documents Service, Columbia University Press, 2960 Broadway, New York, 27, N. Y. Other materials (mimeographed or processed documents) may be consulted at certain designated libraries in the United States.

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THE UNITED NATIONS AND SPECIALIZED AGENCIES

Promotion of International Political Cooperation

BY AMBASSADOR WARREN R. AUSTIN¹

The General Assembly has before it three specific recommendations of the Interim Committee and the recommendation of the *Ad Hoc* Political Committee that a fourth recommendation be returned to the Interim Committee for further study. These recommendations all relate in a very limited way to that fundamental subject the promotion of international cooperation in the political field and, more particularly, to that area of the subject dealing with pacific settlement.

The proposed panel for inquiry or conciliation² involves the establishment of a panel from which members of a commission of inquiry or conciliation could be drawn by the Security Council, the General Assembly, or the Interim Committee, or by any states taking steps for the settlement of their disputes outside of United Nations organs. Its simple purpose is to provide assistance to United Nations organs or to such states in selecting members of commissions. There is no obligation on the part of any state or any organ to use it. It is put forward simply as a quick method devised for the fast moving world of today. As such, we hope it may assist in the more frequent use of inquiry and conciliation. We feel that this device might also help the parties to settle a dispute pursuant to their obligation under article 33 of the Charter before going to United Nations organs. If there exists a method for picking a commission before any particular dispute between the parties has built up tension between them, that makes it easier for those parties to agree upon the creation of a commission. The panel would be a means of having readily available a list of individuals of known competence who would be available on short notice, and it provides that persons designated would be disposed in principle to serve. The individuals, members of such a panel, would in principle be sympathetic and receptive to a call to serve on a commission, but, of course, they would be under no legal obligation to do so. The plan is a flexible device because it creates no organ or procedure to complicate the structure of the United Nations. It would simply be a registry of available persons for use by the Security Council, the Assembly, or other United Nations organs and would be available at all times to states desiring to use it. The experience of United Nations bodies, even in the brief period since the adoption of the Charter, has shown the almost constant need for competent persons to serve.

Another recommendation relates to the appoint-

ment of a rapporteur or conciliator at an early stage in the consideration of disputes brought to the attention of the Security Council. It recommends that the Council examine the utility and desirability of such a practice. It was successfully used in the Council of the League of Nations, and the Security Council has already found it useful in some cases. Here again, the recommendation is flexible and involves no new machinery. My delegation thinks this is a constructive suggestion, worthy of the attention of the Security Council.

Finally, there is the recommendation to restore full effect to the General Act of Geneva of 1928. It was originally introduced in the Interim Committee by Belgium, which is a party to that treaty, and the resolution provides a convenient means by which those states who have adhered to the treaty, or may wish to adhere to it, can accept a revised act replacing League of Nations references with references to United Nations organs. The General Act provides appropriate means for the parties to it to fulfil their obligation under article 33 of the Charter to attempt settlement of disputes before bringing them to the United Nations. The United States is not a party to the General Act but supports this proposal because it will aid other states who are members in rendering effective between themselves a multilateral pacific settlement treaty.

The first purpose of the United Nations, as we find it stated in article 1 of the Charter, is the maintenance of international peace and security. Certain methods are indicated for the carrying out of this purpose and included among them are international political cooperation, including specifically the peaceful settlement of disputes. Throughout the Charter the roles of United Nations organs and of the United Nations members themselves are defined with this first principle uppermost. With a view to preserving peace, the members and organs of the United Nations have their various responsibilities and duties. If force is to be eliminated in international relations, the Charter recognizes that we must (1) eliminate the causes of war and (2) substitute other means than force for dealing with these causes. The General Assembly, the Security Council, and the members

¹Statement made before the General Assembly in New York on Apr. 25, 1949, and released to the press by the U.S. Mission to the United Nations on the same date.

²U.N. doc. A/833, Apr. 12, 1949.

themselves all have interlocking responsibilities as part of this single plan.

The role of the General Assembly in its relation to international political cooperation is described in articles 10, 11 (1), 13 (1a), 14, and 35 of the Charter. We see from such provisions as articles 10 and 14 that the General Assembly has even greater flexibility and scope directed at removing the causes of war than has the Security Council.

There are two principal ways in which the Assembly is concerned with international political cooperation. There is the handling of actual disputes and related political problems under article 14. The Assembly can discuss and subject to article 12 may recommend measures for the peaceful adjustment of any situation, regardless of its origin, which it considers likely to impair the general welfare of friendly relations among nations, including situations resulting from a violation of the provisions of the Charter. Article 14 is broad in scope and in the extent of authority it entrusts to the Assembly. It is reasonable and proper that the General Assembly should use these powers. In situations where action by the Security Council is impossible by reason of the veto, it is all the more natural to expect that article 14 would be relied upon.

Another area in which the Assembly has responsibilities is in the broad study and formulation of recommendations in the field of international political cooperation. I understand that the Interim Committee is planning, when this session adjourns, to examine in some detail the role of the Assembly in pacific settlement, and I would expect that in this connection it would consider these principles which I have mentioned. Parenthetically, one of the specific recommendations before us is that two proposed amendments to the Rules of Procedure of the General Assembly be recommended to the Interim Committee for further consideration in connection with this study. My government made this recommendation, feeling that it would be useful not to suggest one or two amendments to the Rules of Procedure at this time but to await the wider consideration of the Interim Committee.

But these articles of the Charter describing the role of the General Assembly are not drafted in such a way that the responsibilities of the Assembly are defined and set out in complete detail. That is not the way in which constitutional documents are drafted. There is a place for construing our Charter to give it vitality and effectiveness in carrying out the purpose for which the entire organization was created—and that is peace. There is only one answer to the claim that the General Assembly is violating either the letter or the spirit of the Charter by acting in the pacific settlement of disputes or by studying, recommending, and synthesizing the experience of the United Nations. These activities lay foundations for peace.

We all recognize that the Security Council has the primary duty of maintaining international peace and security, but it would be misreading the Charter to conclude that it has the only such responsibility. Article 35 indicates that this is not the fact. The Assembly has recently had occasion to consider the effectiveness of the Security Council to fulfil its proper function in the light of the study of the veto by the Interim Committee. It is certainly not the plan of the Charter that every dispute between members of the United Nations shall at the earliest possible moment find its way before the Security Council.

All members of the United Nations are obligated under article 2 to settle their international disputes by peaceful means and to refrain in their international relations from the threat or use of force. They are also under a duty under the language of article 33 when parties to any dispute the continuance of which is likely to endanger the maintenance of international peace and security, first of all, to seek a solution by one of the well understood methods of pacific settlement, such as negotiation, inquiry, conciliation, and the rest. There is, therefore, an obligation on the part of members not to take to the Security Council a dispute of this character unless and until they have made a previous effort to settle it. This is one of the great general principles of international cooperation, that all international disputes should promptly be settled by the parties by peaceful means in conformity with the principles of justice and international law.

This is entirely consistent with the responsibility of the Security Council and of the General Assembly. It recognizes that many disputes may lend themselves to settlement in their early stages by methods agreed upon by the parties, often of an informal nature. Two of the three recommendations now before us relate to this obligation of members under article 33.

The principle of article 33 that the parties shall first of all try to help themselves simply underlines the importance and seriousness of recourse to the Security Council or the General Assembly. This is an application of the principle of substituting pacific settlement for force in the organization of the peace. No member of the Security Council, and certainly no permanent member, under the provisions of the Charter, should be heard to claim a voice in the settlement of a dispute which the parties can work out themselves before it may develop in seriousness so as to be a threat to the international community. A student of the Charter would seek in vain for any such power in the Security Council. The demand of a member of the Security Council to have such a voice, and particularly a deciding voice, by virtue of the veto, as to the settlement of all disputes could only confirm the suspicion that a motive is present other than the seeking of a sound organization of peace.

A true picture of how the United Nations operates in the pacific settlement of disputes can only be seen by looking at those interrelated functions of the General Assembly with its broad responsibilities, the Security Council with its wide powers, and all the members of the United Nations with their duties assumed upon ratifying the Charter.

Let us now consider the task which was entrusted to the Interim Committee as a subsidiary organ of the General Assembly to undertake its duties under articles 11 (1) and 13 (1a) of the Charter. An important function of the General Assembly which was so delegated is to initiate studies and to make recommendations to promote international cooperation in the political field. The Security Council and the Assembly are political organs and instruments of action. But there is the duty of the Assembly under article 13 (1a) to reflect on this action, in the form of its experience, and perhaps to synthesize it. An American philosopher has observed that man's thoughts spring from his actions rather than his actions from his thoughts. A corollary of that might be that those of us who are immersed in action can guide it by taking thought. The function of the General Assembly to analyze the actions of United Nations organs is both proper and necessary. It is carrying out the role of the General Assembly. Within the last few days we have seen the International Law Commission undertake its corresponding duties under another clause of this same article of the Charter. Where, I would ask, can any member of the United Nations find in this work a studied attempt to bypass the Security Council? Where can it find any more than a beginning, at a rather late date and on a very limited scale, of the duty of the General Assembly to initiate these studies and make recommendations?

The work which the Interim Committee has thus far been able to accomplish has been of two kinds. In the first place it has planned a long-range study of this field, which will probably be before the General Assembly at its fourth session

but which is not before us today. It has also presented to the Assembly the four specific proposals, three of which are before us, with the recommendation that the fourth be returned for further consideration. One of them is a suggestion to the Security Council. Another suggests simply a means for picking members of commissions which the Security Council, the General Assembly, or any states outside of United Nations organs might in their discretion employ. The third would replace references to League of Nations organs in the General Act of Geneva of 1928 with references to United Nations organs. They are three procedural suggestions involving no substantive obligation upon members of the United Nations, and all intended simply as technical aids for pacific settlement procedures.

I wish that the representative of the Soviet Union might have occupied his chair in the Interim Committee so that he could sense the spirit in which proposals are made and debated with the intention of trying to improve United Nations procedures by practical and objective study of their operation. He would have observed how in the Interim Committee the judgment of all the members who have seen fit to take their seats has been brought to bear on these questions, not with a view to bypassing the Security Council but with the idea of looking beyond the immediate dispute to ways and means of developing Charter potentialities and handling international political problems in all organs. In other words, he would have seen that vast resource of spiritual and intellectual power that exists in cooperation in a voluntary association by this great number of nations representing the interests, the ideals and the aspirations of the world.

The United States will vote in favor of the four specific recommendations of the *Ad Hoc* Political Committee. The Interim Committee, in undertaking the work of studying and making recommendations in the field of international political cooperation, is exercising a duty of the General Assembly to seek constantly for the realization of the Charter as an instrument for peace and justice.

Reply to the U.S.S.R. Regarding the Italian Colonies

STATEMENT BY JOHN FOSTER DULLES¹

U.S. Delegate to the General Assembly

We are all here to try to find a constructive solution to a very difficult problem. Whether or not the prolongation of the general debate by the honorable delegate of the Soviet Union promotes that result may perhaps be questionable, but I do feel that I should make some comment upon some of his remarks.

In the first place, I would like to say that in my

opinion the fact that this problem is here before the United Nations Assembly in itself attests to a desire on the part of, particularly, the United Kingdom and of the United States and of the

¹ Made in Committee I (Political and Security) of the General Assembly on Apr. 23, 1949, and released to the press by the U.S. Mission to the United Nations on the same date.

members of the British Commonwealth to seek an international solution, and it evidences that to a far greater degree than has been evidenced by any other of the victors in the World War. It was the forces of the United Kingdom and the Commonwealth, and, latterly, United States forces in North Africa, which cleared the enemy from these areas in North Africa. If we had followed the example which was set by other of the victors, we would have settled this matter ourselves. There is no area that the Soviet Union conquered in the world which has been brought in any aspect whatever before the United Nations for decision. In every such area the Soviet Union has taken the position that because it conquered the area, it, and it alone, is entitled to make the solution. And there is a certain contrast, Mr. Chairman, I believe, between the conduct of those nations who conquered these areas and freed them from the enemy and liberated them and the conduct of certain others who are now here criticizing us because this problem is here for an international solution, which under comparable situations they bitterly and utterly reject for themselves.

When the Soviet Union comes here to get international judgment upon the areas which it took over, say, in the Far East, the Kuriles Islands, Port Arthur, Dairen, etc., then we can hear it, with good grace perhaps, criticize those who have brought this problem, the fruit of their victory, to the United Nations for international solution. Until then, I would think it was better grace on their part to keep more silent.

Now, Mr. Chairman, the honorable delegate of the Soviet Union made reference to two statements which I made in my opening presentation. One of them was that I recalled the fact that under the Charter of the United Nations it is provided that under the trusteeship system one of the objectives and purposes to be served is that the area should play its part in the maintenance of international peace and security. I said in my speech, and I quote, "the relevancy of this area to international peace and security cannot be ignored." The honorable delegate of the Soviet Union seems to resent that in regard to this area which we now have brought here to this United Nations for international solution we should even mention the fact that it historically has involved international peace and security, and those involve consideration which both under the Charter and historically are properly before us. It is quite true that the Soviet troops did not fight in this area. If they had—if they had undergone what some of their allies had to undergo in this area—I am quite confident that they would not have resented a reference to international peace and security as being a factor which in this case properly is taken into account.

It was also said, Mr. Chairman, that I had been eulogistic in my praise of the United Kingdom. I said this about the United Kingdom: "The United Kingdom has given ample evidence not merely

by word but by deed that it genuinely believes in the principle of developing non-self-governing areas so as to make them independent." It was that—and that alone—which I said in eulogy of the United Kingdom, although I think I might have said much more.

What is the fact, Mr. Chairman? The fact is that around this table today there sit ten member nations who can by their presence here attest to the reality of that fact. There would be two more, Eire and Ceylon, if it were not for the veto which was exercised against them by the Soviet Union. And there would be ten more, also members, sitting around this table if they had not been swallowed up in the maw of the Soviet Union. If in considering these areas the record of one country or another in actually bringing independence to dependent peoples is to be taken into account, then again I say the record is such that I would have thought it was wiser for the honorable delegate of the Soviet Union to have kept silent. I said nothing, Mr. Chairman, about the actual conditions at present in these territories under military administration, and I am quite prepared to admit that a military administration which has no definite term of existence, which does not permit a civil administration or long-term planning, is not a situation which is in the best interest of the populations concerned and ought to be ended because only with the possibility of long-range planning is it possible to improve the conditions of these people. To judge the possibilities of a long-range civil administration in terms of a military administration which is subject to being terminated at any time is, I submit, Mr. Chairman, to make a very unfair comparison. We are eager, and I am quite confident that the United Kingdom, which is in actual administration, is eager to bring about as quickly as possible conditions which will permit of long-range civilian planning for the benefit of the inhabitants of these areas.

Now, the honorable delegate of the Soviet Union comes back to his suggestion for administration of this area by the Trusteeship Council and he says that there are not really any practical difficulties there involved and that he does not think that it will cost anything to operate these territories. Well, again I can understand how he comes to that conclusion because I am quite sure that in the areas which are occupied by the Soviet Union it does not cost them anything. That, however, is not the way in which some countries operate and when they are in such areas it is not their practice to try and squeeze out of these areas the last drop that is possible. It is our effort to try to build up these areas, and that is a costly operation—although again I can understand that the honorable delegate of the Soviet Union does not have the experience to appreciate it. The United States has put some 6 billion dollars a year into the European Recovery Program. We had hoped that it would be possible under such administration as this organization decides upon to do something

to build up the areas here in question. Even aside from that the cost of administration is bound to be very considerable. I do not have available the precise estimates which we have, but roughly speaking I can say that we figure that, even apart from what you might call constructive expenditures, just in terms of the administration of the government, that for the United Nations to take this on would involve at once a probable doubling of the present budget of the United Nations, a cost of somewhere around 40 million dollars.

The United Nations, as I think we all appreciate or should appreciate, is not in a position to conduct an economical administration. At the present time, we have no civil service in being. We are not in a position, as governments are, to instruct their civil servants to take a tour of duty in these areas where conditions are not at the present time, I am prepared to admit, very attractive from the standpoint of climate and living conditions. For the United Nations to go out and bid for persons to take those jobs on, would be an extremely expensive operation, and it would be foolish on our part to ignore that fact. In these matters, however, I hesitate to put the primary emphasis on what it would cost. If it is the right thing to do, and if it would probably work, we should be willing to try it even if it does involve doubling or tripling the budget and the contributions of the members of the United Nations.

We ourselves at the beginning, Mr. Chairman, had suggested a far greater international solution than we are now suggesting. The reason why we have felt compelled to drop our sights in that respect is not wholly or even primarily a matter of the cost. Since our original proposals were made in London in 1945, unfortunately the fact is that the different organs of the United Nations have become a battle ground between two different points of view. It has been demonstrated that at least one of the points of view is that of attempting to demonstrate that nothing constructive can be done under any form of society other than that of Communism, and the purpose, therefore, must be to cause a failure of efforts which are made other than under the auspices of a Communist government. And we have seen in many different areas of the world the effort to demonstrate that a non-Communist society is bound to fail, by disrupting it, by strikes, sabotage, threats of civil war or actual civil war; and, on the other hand, in the effort which the United States initiated and which it has been carrying on now in conjunction with the participating European countries under the Marshall Plan. One of the great problems we have to face is the fact that it becomes a very costly operation because some nations are unwilling to participate in it—not only are unwilling to participate in it, but are positively exerting themselves, at great expense and effort, to prevent that effort at European recovery. Is it right and is it proper, I wonder, Mr. Chairman, to entrust these colonial peoples to an or-

ganization which is divided and in which there are powerful elements which want to see the failure of efforts such as are being made now in Western Europe and such as we hope can also be made in North Africa? If we want a constructive effort in North Africa, shouldn't it be entrusted to those who believe it can succeed? Or should we bring into partnership in that effort those who are committed to cause a failure of that particular kind of effort, as they have demonstrated in almost every quarter of the world?

And that, Mr. Chairman, is, above all, the reason why the United States now believes that it is impractical to entrust the colonies to an international organization which would contain within it elements which are dedicated to proving that only a Communist form of society can succeed in the world.

Now as to the responsibility for the delay in this matter. I was in London when this matter first came up in September 1945, with Secretary Byrnes, and at that meeting of the Foreign Ministers, Mr. Molotov represented the Soviet Union. The matter could have been settled at that time. Mr. Chairman, nearly four years ago, if it had not been for the attitude then taken by the honorable Minister for Foreign Affairs of the Soviet Union. The United States made a proposal which was accepted definitively by three of the five members of the Council, accepted in principle by a fourth, and rejected outright only by the fifth member, the Soviet Union, which then insisted that it must have Tripolitania for itself. And it was that action by the Soviet Union at the first meeting of the Council of Foreign Ministers that made it impossible at that time to get this matter settled.

I reject, Mr. Chairman, the suggestion that it has been the United States and the United Kingdom which have constantly tried to prevent a solution of this problem. On the contrary, we have sought it, and sought it earnestly, and, as I say, as a result of our efforts it would have been settled nearly four years ago if it had not been for the ambition of the Soviet Union to have a base in the Mediterranean. I recall that the Soviet Union, in anticipation of the elections in Italy last year, took a position in favor of Italy which, if it were maintained today, might be a constructive contribution toward a solution. But after that position had served the purposes of the election and the election had been lost, then a different position was taken which now makes it even more difficult to arrive at a solution.

I am confident that the members of this Committee, before deliberations are over, will realize that the United States Delegation at least—and I am sure others—are trying constructively, with an open mind toward the views of everybody around this table, to arrive at a positive solution. I am confident of the verdict of this Committee as to who is trying to promote and who is trying to obstruct a solution to this question.

The United States in the United Nations

[April 30-May 6]

Spanish Question

Debate opened May 5 in the Political Committee of the General Assembly on the question of Franco Spain, with Poland denouncing the United States and Brazil submitting a proposal to leave members full freedom of action in their diplomatic relations with Spain. The following day Poland introduced a lengthy resolution recalling earlier condemnations of the Franco Government and recommending that all U.N. members "cease to export to Spain" arms, ammunition, and all warlike and strategic material, as well as to refrain from entering into any agreements either formally or *de facto* with Spain. Polish Representative Katz-Suchy described Franco's existence as a threat to the peace.

The United States has not participated in the general debate to date, but discussion on the question is continuing.

Israeli Application for Membership

The *Ad Hoc* Political Committee of the General Assembly opened discussion May 3 on Israel's application for membership in the United Nations, the item having been transferred to it from the crowded agenda of the regular Political Committee.

A Lebanese proposal would postpone admission of Israel until the latter had accepted in principle the internationalization of Jerusalem and the restoration of Arab refugees to their homes. Argentina proposed that the Vatican be invited to present a report on what it considered necessary guarantees for preservation of the holy places in Jerusalem. An Iraqi resolution which questioned the legality of the Security Council vote recommending the admission of Israel, since the United Kingdom abstained, was later withdrawn.

Following an invitation extended by the Committee, Israeli Representative Eban in a 2-hour statement on May 5 described Israel's position on the internationalization of Jerusalem, resettlement of Arab refugees, and the Bernadotte assassination. Israel would support "establishment by the United Nations of an international regime for Jerusalem concerned exclusively with control and protection of holy places," he emphasized. He stated that no solution to the problem of Arab refugees was possible before a "final and effective peace settlement" resulted from the Lausanne meetings now taking place between the Palestine Conciliation Commission and Arab and Israeli representatives. Mr. Eban, though admitting

failure of the Israeli Government to find the mediator's assassins, felt the failure should be considered against the background of a country forced to protect itself against aggression from without and an "intractable dissident military organization" from within.

Italian Colonies

With general debate on the disposition of the former Italian colonies completed, four specific resolutions were submitted to the Political Committee during the week.

U.S. Delegate, John Foster Dulles, supported a resolution introduced by U.K. Delegate, Hector McNeil, calling for possible independence of Libya in 10 years and U.K. administration of an interim trusteeship over Cyrenaica. It also recommended that Egypt, France, Italy, United Kingdom, and United States submit proposals to the fourth session of the Assembly on interim trusteeships over the rest of Libya, incorporation of Eritrea into Ethiopia and the Sudan, and Italian trusteeship over Somaliland. Mr. Dulles stated that such a decision would not be perfect but would be the best solution of a colonial problem the world has yet seen. This U.K. formula met with considerable opposition.

Eighteen Latin American states are supporting a resolution introduced by Mexico which would request Egypt, France, Italy, the United Kingdom, and the United States "to consider the terms and conditions under which Libya might be placed under the international trusteeship system. Ethiopia, France, Italy, United Kingdom, and United States would be commissioned to perform the same task with respect to Somaliland, while these same countries would be asked to make studies and recommendations concerning the future of Eritrea."

The Australian proposal called for the establishment of a 7-member special committee to examine unresolved aspects of the Italian colonies question and report to the Secretary-General not later than September 1, 1949.

An Iranian resolution recommended placing Libya and Somaliland under the trusteeship system and provided for the appointment of a special commission to ascertain the wishes of the Eritrean people.

At the request of U.S.S.R. Delegate, Andrei Gromyko, vote on the four resolutions was deferred until May 9.

The Current Situation In Germany

ADDRESS BY SECRETARY ACHESON¹

In considering a suitable subject for this occasion, I naturally supposed that the newspaper publishers of the nation would expect me to choose a topic having some news value. I, therefore, decided that it might be timely for me to speak on United States policy with respect to Germany. But I must confess that I did not then foresee just how prominently Germany would figure in the news at this precise time.

The conversations between Ambassador Jessup and Mr. Malik, which were reported in the statement issued a few days ago, constitute the latest development in a long and involved series of developments affecting Germany since the beginning of the occupation. I think you may be interested in the relation of these developments to the broad aspects of the German problem and the efforts of the United States Government to deal with it.

Early this month I met with the Foreign Ministers of France and the United Kingdom for talks on Germany, the outcome of which we all regarded as momentous. It was not by mere coincidence that these agreements were initialed during the week the North Atlantic Treaty was signed. That historic instrument marks a decisive step toward the creation of a community of democratic nations dedicated to the attainment of peace and determined to insure its preservation by all the material and moral means at their disposal.

The German problem cannot be disassociated from the general problem of assuring security for the free nations. No approach to German problems can be adequate which deals only with Germany itself and ignores the question of its relationship to the other nations of Europe. The objectives of United States policy toward the German people are interwoven with our interest in, and our policies toward, the other peoples of Europe. Here the basic considerations are the same whether they can extend to all of Germany or must be limited to Western Germany.

We have made clear our desire to aid the free peoples of Europe in their efforts toward recovery and reconstruction. We have made clear our policy to aid them in their efforts to establish a common structure of new economic and political relationships. To these ends, we are providing temporary economic assistance through the European Recovery Program and are proposing to participate with them in our common defense through the North Atlantic pact.

In this setting, it is the ultimate objective of the United States that the German people, or as large a part of them as possible, be integrated into a new common structure of the free peoples of Europe. We hope that the Germans will share in due time as equals in the obligations, the economic benefits, and the security of the structure which has been begun by the free peoples of Europe.

We recognize that the form and pace of this development are predominantly matters for determination by the Europeans themselves. We also recognize that effective integration of the German people will depend upon reciprocal willingness and upon their belief in the long-range economic benefits and the greater security for all which will accrue from a joint effort.

The maintenance of restrictions and controls over the Germany economy and a German state, even for a protracted period, cannot alone guarantee the West against the possible revival of a German threat to the peace. In the long run, security can be insured only if there are set in motion in Germany those forces which will create a governmental system dedicated to upholding the basic human freedoms through democratic procedures.

These constructive forces can derive their strength only from the renewed vitality of the finer elements of the German cultural tradition. They can flourish only if the German economy can provide sustenance and hope for the German people. They can attain their greatest effectiveness only through a radically new reciprocal approach by the German people and the other peoples of Europe. This approach must be based on common understanding of the mutual benefits to be derived from the voluntary cooperative effort of the European community as a whole.

Through all of this effort, our basic aim with respect to the Germans themselves has been to help them make the indispensable adjustments to which I have just referred. We have tried to help them to find the way toward a reorganization of their national life which would permit them to make the great contribution to world progress which they are unquestionably capable of making. But it is important for us all to remember that no one but the Germans themselves can make this ad-

¹ Made before the American Society of Newspaper Publishers in New York on Apr. 28, 1949, and released to the press on the same date. The address was broadcast over the major national networks.

justment. Even the wisest occupation policy could not make it for them. It must stem from them. It must be a product of their own will and their own spirit. All that others can do is to help to provide the framework in which it may be made.

These are the conditions we consider essential for the long-term solution of the German problem. The purpose of the Washington agreements, and of the other decisions taken by the Western Powers, is to bring about these required conditions at the earliest practicable time. This has been the consistent purpose of the United States Government.

This Government made earnest efforts for two and a half years after the war to resolve the major issues arising from the defeat of Germany and to achieve a general settlement. During that period we participated in the four-power machinery for control of Germany established by international agreement in 1945.

By the end of 1947 it appeared that the Soviet Union was seeking to thwart any settlement which did not concede virtual Soviet control over German economic and political life. This was confirmed in two futile meetings of the Council of Foreign Ministers in Moscow and London. It was emphasized in the Allied Control Authority in Berlin, where the Soviet veto power was exercised three times as often as by the three Western Powers combined.

The resultant paralysis of interallied policy and control created an intolerable situation. Germany became divided into disconnected administrative areas and was rapidly being reduced to a state of economic chaos, distress, and despair. Disaster was averted primarily by American economic aid.

The German stalemate heightened the general European crisis. The European Recovery Program could not succeed without the raw materials and finished products which only a revived German economy could contribute.

By 1948 it became clear that the Western Powers could no longer tolerate an impasse which made it impossible for them to discharge their responsibilities for the organization of German administration and for the degree of German economic recovery that was essential for the welfare of Europe as a whole. These powers determined to concert their policies for the area of Germany under their control, which embraced about two thirds of the territory and three fourths of the population of occupied Germany.

These common policies were embodied in the London agreements, announced on June 1, 1948. This joint program, I wish to emphasize, is in no sense a repudiation of our international commitments on Germany, embodied in the Potsdam protocol and other agreements. It represents a sincere effort to deal with existing realities in the spirit of the original Allied covenants pertaining to Germany.

The London agreements constitute a set of arrangements for the coordinated administration of Germany pending a definitive peace settlement. The execution of this program, now in progress, should restore stability and confidence in Western Germany while protecting the vital interests of Germany's neighbors. It seeks to insure cooperation among the Western nations in the evolution of a policy which can and should lead to a peaceful and fruitful association of Germany with Western Europe. It is a provisional settlement which in no way excludes the eventual achievement of arrangements applicable to all of Germany.

The London agreements established a basic pattern for future action in the West. The bizonal area, formed by economic merger of the American and British zones in 1947, and the French zone were to be coordinated and eventually merged. The Western zones were to participate fully in the European Recovery Program. An International Authority for the Ruhr was to be created to regulate the allocation of coal, coke, and steel between home and foreign consumption, to insure equitable international access to Ruhr resources, and safeguard against remilitarization of Ruhr industry.

The Germans were authorized to establish a provisional government, democratic and federal in character, based upon a constitution of German inception. It would be subject, in accordance with an occupation statute, to minimum supervision by the occupation authorities in the interest of the general security and of broad Allied purposes for Germany. Coordinated three-power control was to be established, with the virtual abolition of the zonal boundaries.

Of exceptional importance were the guarantees of security against a German military revival, a point sometimes overlooked in present-day talk about the hazards inherent in rebuilding German economic and political life. The London agreements provide that there is to be consultation among the three occupying powers in the event of any threat of German military resurgence; that their armed forces are to remain in Germany until the peace of Europe is secure; that a joint Military Security Board should be created with powers of inspection to insure against both military and industrial rearrangement; that all agreed disarmament and demilitarization measures should be maintained in force; and that long-term demilitarization measures should be agreed upon prior to the end of the occupation. It should be observed that these far reaching safeguards are to accompany the more constructive aspects of the program and assure that the new powers and responsibilities assumed by the Germans may not be abused.

During the last 10 months notable progress has been made in Western Germany, which is apparent to all the world. An entirely new atmos-

phere of hope and creative activity has replaced the lethargy and despair of a year ago. Much of the London program is well on the way to realization. An agreement establishing the International Authority for the Ruhr has been drafted and approved. The Military Security Board has been established. The bizon and French zone are participating fully in the European Recovery Program. Agreements have been reached with respect to such difficult and controverted issues as the protection of foreign property rights in Germany, the revision of lists of plants scheduled for dismantling on reparations account, and determination of restricted and prohibited industries.

A short time ago we all felt that we should have a fresh look at the German problem. This was done in Washington while Mr. Bevin and Mr. Schuman were there earlier this month. The genuine readiness of the participating governments to sacrifice special points of view to the common good has made it possible to reach a degree of accord far exceeding what could have been hoped for only a month or two ago.

There were three particularly important features about the agreements on German policy which resulted from these conversations. The first, was the striking harmony in essential outlook. The second, was the removal of the obstacles to the fulfillment of the constructive London program which had developed through diverse Allied disagreements. Thirdly, the three Governments acknowledged the need for the termination of Military Government and its replacement by a civilian Allied Commission at the time of the establishment of the German Federal Republic. This last is a great step forward toward peace, in my opinion.

With respect to my first point, the harmony of view reached by the three Governments on a common policy for Germany, you all know that matters of German policy have been, in the past, issues of great controversy. I suppose that it is a result of the depth of the historical background, the emotions and passions that have been aroused as a result of Germany's aggressive wars, and the inevitable importance attached to the course of German developments. It is therefore not strange that there should be distinct American, British, and French views on Germany.

But I see in the successful outcome of our recent Washington talks the prospect that France, Great Britain, and the United States are developing a common policy toward Germany based on mutual understanding and reasonableness. The continuation of this development of a common policy, which I am convinced will occur, and toward which I shall lend every effort, is an essential element in an enduring peace in Central Europe.

The agreement in Washington on the text of an occupation statute has removed one of the major obstacles to the establishment of the German Federal Republic. The Parliamentary Council met

at Bonn on September 1, and has been working diligently to draft a basic law or provisional constitution for a Federal German Government. Since last December its leaders have requested the text of the occupation statute which had been promised to the Parliamentary Council before completion of its work.

The three occupying powers have been discussing the occupation statute since last August. In the course of these many months the draft occupation statute had become a very heavy, complicated, and legalistic document. The three Foreign Ministers approved the text of an occupation statute in a new and simpler form, which was then transmitted to the German Parliamentary Council at Bonn. According to latest reports, all the controversial issues with respect to the basic law have been settled, all differences between the occupying powers and the Germans and among the Germans themselves have been resolved, and a constitution is expected to be approved by the Parliamentary Council by May 15.

The establishment of a German Government does not, and cannot at this time, mean the end of the occupation of Germany. If democratic self-government is to be introduced in Germany it must be given a chance to live. It cannot thrive if its powers are in question, or if it is subject to arbitrary intervention. The occupation statute defines the powers to be retained by the occupying authorities upon the establishment of the German Federal Republic and sets forth the basic procedures for the operation of Allied supervision.

The reserved powers have been retained in such fields as disarmament and demilitarization; controls in regard to the Ruhr, reparations, and decartelization; foreign affairs; displaced persons; security of Allied forces and representatives; control over foreign trade.

The key issue for the future will be the manner and extent to which the Allied authorities exercise their powers. A practicable basis for cooperation between the Western Allies and the future federal Western government will have to be sought, through which the German people may exercise democratic self-government under the statute.

Provision is made in the occupation statute for a review of its terms after a year in force.

In accordance with the statute, the action of the German Government authorities generally does not require affirmative Allied approval. This means that the day-to-day operations of the German Government cannot be thwarted by the veto of one occupying power or by Allied disagreement. German Government authorities will be at liberty to take administrative and legislative action, and such action will be valid if not disapproved by Allied authorities.

There is one important element in the Washington agreements on the economic side that I want to stress because it is a good indication of our

intent. As you know, this Government has expended in Germany since the cessation of hostilities large sums of appropriated funds in order to feed the German people and support the German economy. These sums were carried in the Army budget. Since the commencement of economic cooperation aid, the bizonal area and the French zone have been receiving ECA funds and the Military Governors of the bizonal and the French zone concluded bilateral ECA agreements with the United States Government.

It has now been agreed that with the establishment of the German Federal Republic, funds provided by the United States Government to the German economy will be made available through the Economic Cooperation Administration. The German Federal Republic would itself execute a bilateral ECA agreement with the United States Government, and would likewise become a party to the convention for European Economic Cooperation and participate as a full member in the Organization for European Economic Cooperation.

The German economy has responded energetically to the currency reform of last June and to the recovery assistance already received. The German workshop is beginning again to produce, for itself, for its Western European neighbors, and for other cooperating countries. The Germans now, under the foreseen arrangements, will have an opportunity through their own government to become a responsible partner in the European Recovery Program.

The Washington agreements envisage at the time of the establishment of the German Federal Republic the termination of Military Government and its replacement by an Allied High Commission of civilian character. Military functions will continue to be exercised by military commanders, but each of the Allied establishments in Germany, aside from occupation forces, will come under the direction of a High Commissioner. The functions of the Allied authorities are to become mainly supervisory.

The three Foreign Ministers on April 8 sent a joint message of appreciation to their Military Governors for the pioneer work they had done in Germany. This action was based upon moving tributes paid during our discussions to the devoted efforts of the Military Governors. We Americans take just and special pride in our own Military Governor, General Clay. I believe firmly that history will record that the United States has been well served by him. It is in accordance with his views and the views of the National Military Establishment that we are looking forward to the transfer of the control agencies in Germany to civilian hands. This change is an interim measure, to be sure, but in the right direction, the direction of peace.

I know that this thought must be arising in your

minds, at this stage. How long must we be satisfied with interim measures when the people of all countries desperately desire a genuine and lasting peace? Will the moves we are making in Western Germany contribute to a permanent settlement of the German problem? What are the possibilities of renewed four-power talks on Germany? Has the possibility of such talks or the success of their outcome been prejudiced?

In the communiqué announcing the London agreements, released June 6, 1948, it was emphasized that the agreed recommendations in no way precluded, and on the contrary would facilitate, eventual four-power agreement on the German problem. They were designed, it was stated, to solve the urgent political and economic problems arising out of the present situation in Germany.

When this Government embarked, together with its Western Allies, on the discussion of new arrangements for Western Germany, it did not mean that we had abandoned hope of a solution which would be applicable to Germany as a whole or that we were barring a resumption of discussions looking toward such a solution whenever it might appear that there was any chance of success. It did mean that this Government was not prepared to wait indefinitely for four-power agreement before endeavoring to restore healthy and hopeful conditions in those areas of Germany in which its influence could be exerted.

Should it prove possible to arrange for renewed four-power discussions, this Government will do its utmost, as it has in the past, to arrive at a settlement of what is plainly one of the most crucial problems in world affairs:

There are certain principles, however, the observance of which is essential, in our view, to any satisfactory solution of the German problem and which we shall have to keep firmly in mind in whatever the future may bring.

The people of Western Germany may rest assured that this Government will agree to no general solution for Germany into which the basic safeguards and benefits of the existing Western German arrangements would not be absorbed. They may rest assured that until such a solution can be achieved, this Government will continue to lend vigorous support to the development of the Western German program.

The people of Europe may rest assured that this Government will agree to no arrangements concerning Germany which do not protect the security interests of the European community.

The people of the United States may rest assured that in any discussions relating to the future of Germany, this Government will have foremost in mind their deep desire for a peaceful and orderly solution of these weighty problems which have been the heart of so many of our difficulties in the postwar period.

AGREEMENT ON TRIPARTITE CONTROLS FOR WESTERN GERMANY

[Released to the press April 26]

The Department of State on April 26 made public the text of the agreement reached in Washington on April 8, 1949, between the Governments of France, the United Kingdom, and the United States on the basic principles for the merger of the three Western German zones of occupation. The purpose of this agreement is to define the organization and procedures through which the powers of the occupying governments will be exercised after the establishment of a provisional German Government. The agreement provides for a High Commission, to be composed of a High Commissioner for each of the occupying governments, and it outlines the manner in which the Commissioners will vote and reach their decisions. The nature and extent of the powers to be exercised by the occupying governments have been fully set out in the occupation statute.¹ The text of the agreement follows:

The Governments of the United Kingdom, France and the United States agree to enter into a trizonal fusion agreement prior to the entry into effect of the Occupation Statute. The representatives of the three occupying powers will make the necessary arrangements to establish tripartite control machinery for the western zones of Germany, which will become effective at the time of the establishment of a provisional German government. The following provisions agreed by the Governments of the United Kingdom, France and the United States shall form the basis of those arrangements:

1. An Allied High Commission composed of one High Commissioner of each occupying power or his representative shall be the supreme Allied agency of control.

2. The nature and extent of controls exercised by the Allied High Commission shall be in harmony with the Occupation Statute and international agreements.

3. In order to permit the German Federal Republic to exercise increased responsibilities over domestic affairs and to reduce the burden of occupation costs, staff personnel shall be kept to a minimum.

4. In the exercise of the powers reserved to the Occupation Authorities to approve amendments to the Federal Constitution, the decisions of the Allied High Commission shall require unanimous agreement.

5. In cases in which the exercise of, or failure to exercise, the powers reserved under paragraph 2 (g) of the Occupation Statute would increase the need for assistance from United States Government appropriated funds, there shall be a system of weighted voting. Under such system the representatives of the Occupation Authorities will

have a voting strength proportionate to the funds made available to Germany by their respective governments. This provision shall not, however, reduce the present United States predominant voice in JEIA and JFEA while these organizations, or any successor organization to them, continue in existence and are charged with the performance of any of their present functions. No action taken hereunder shall be contrary to any inter-governmental agreement among the signatories or to the principles of non-discrimination.

6. On all other matters action shall be by majority vote.

7. (a) If a majority decision alters or modifies any inter-governmental agreement which relates to any of the subjects listed in paragraph 2 (a) and 2 (b) of the Occupation Statute, any dissenting High Commissioner may appeal to his Government. This appeal shall serve to suspend the decision pending agreement between the three governments.

(b) If a High Commissioner considers that a majority decision conflicts with any inter-governmental agreement which relates to any of the subjects in paragraph 2 (a) and 2 (b) of the Occupation Statute or with the fundamental principles for the conduct of Germany's external relations or with matters essential to the security, prestige, and requirements of the occupying forces, he may appeal to his Government. Such an appeal shall serve to suspend action for 30 days, and thereafter unless two of the Governments indicate that the grounds do not justify further suspension.

(c) If such appeal is from an action of the Allied High Commission either declining to disapprove or deciding to disapprove German legislation, such legislation shall be provisionally disapproved for the duration of the appeal period.

8. A High Commissioner who considers that a decision made by less than unanimous vote involving any other matter reserved by the Occupation Statute is not in conformity with basic tripartite policies regarding Germany or that a Land constitution, or an amendment thereto, violates the Basic Law, may appeal to his government. An appeal in this case shall serve to suspend action for a period not to exceed twenty-one days from the date of the decision unless all three governments agree otherwise. If such appeal is from an action of the Allied High Commission either declining to disapprove or deciding to disapprove German legislation, such legislation shall be provisionally disapproved for the duration of the appeal period.

9. All powers of the Allied High Commission shall be uniformly exercised in accordance with tripartite policies and directives. To this end in

¹ Recent agreements on Germany include the Occupation Statute, BULLETIN of Apr. 17, 1949, p. 500; International Authority for the Ruhr, BULLETIN of Jan. 9, 1949, p. 43; Agreement on German Reparation Program, BULLETIN of Apr. 24, 1949, p. 524; and Prohibited and Limited Industries in Germany, BULLETIN of Apr. 24, 1949, p. 526.

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each Land the Allied High Commission shall be represented by a single Land Commissioner who shall be solely responsible to it for all tripartite affairs. In each Land the Land Commissioner shall be a national of the Allied Power in whose zone the Land is situated. Outside his own zone each High Commissioner will delegate an observer to each of the Land Commissioners for purposes of consultation and information. Nothing in this paragraph shall be construed to limit the functions of bodies established pursuant to inter-governmental agreement.

10. To the greatest extent possible, all directives and other instruments of control shall be addressed to the federal and/or Land authorities.

11. The Trizonal Fusion Agreement will continue in force until altered by agreement among the governments.

UNDERSTANDING ON WÜRTTEMBERG-BADEN PLEBISCITE

[Released to the press April 26]

It was agreed that the status quo in Württemberg and Baden would be maintained for the time being and that the plebiscite recommended by the German Minister Presidents would be postponed in the interest of avoiding any possible delay in the establishment of the German Federal Government.

It was further agreed that the question of the Württemberg-Baden land boundaries would be reexamined after the establishment of the German Federal Government.

AGREEMENT REGARDING PORT OF KEHL

[Released to the press April 26]

The French control authorities with the assistance of the Strasbourg French authorities will maintain under existing conditions jurisdiction over the Kehl port zone until establishment of the German Federal Government and conclusion of negotiations between the French and German Authorities with respect to a joint port administration for Kehl.

It was agreed, on a proposal of the French Government, that the city of Kehl would gradually be returned to German administration. It was foreseen that the French temporarily domiciled in Kehl might remain during a four-year period required for the preparation of additional housing in Strasbourg. Around one third of the French inhabitants will be able to leave Kehl within several months, and the remainder progressively thereafter as housing becomes available.

The final decision with respect to the Kehl port zone will be made in the peace settlement. If the port authority develops harmoniously, the United States and the United Kingdom will be willing at the time of the peace settlement to bring an attitude of good will toward the establishment of a permanent joint authority.

THREE POWER RESPONSIBILITIES ON ESTABLISHMENT OF GERMAN FEDERAL REPUBLIC

[Released to the press April 26]

The three Governments also agreed on and recorded in their minutes the principles according to which their powers and responsibilities will be exercised after the establishment of a German Federal Republic. While the occupying governments will retain supreme authority, it is intended that military government will be terminated and that the function of the occupation officials will be mainly supervisory. The German authorities will be free to take administrative or legislative action, and this action will be valid unless it is vetoed by Allied authority. The fields in which the occupation authorities reserve the right to take direct action themselves including the issuance of orders to German federal and local officials, will be restricted to a minimum, and it is expected that, with the exception of security questions, the exercise of direct powers will be of a temporary and self-liquidating nature. After the German Federal Republic has been established, the Economic Cooperation Administration will assume the responsibility for supervising the use of funds made available by the United States Government to the German economy for purposes of relief and recovery. It is envisaged that the German Federal Republic will become a party to the convention for European economic cooperation and will also conclude a bilateral agreement with the Government of the United States. When the German Republic has been established and military government has been brought to an end, the strictly military functions of the occupation authorities will be exercised by a Commander-in-Chief and all other functions by a High Commissioner, who will direct each of the Allied establishments in Germany other than the occupation forces. It is intended that the size of the staffs to be maintained in Germany will be kept to a minimum. A major objective of the three Allied Governments is to bring about the closest integration, on a mutually beneficial basis, of the German people under a democratic federal state within the framework of a European association.

INFORMAL CONVERSATIONS ON BERLIN BLOCKADE

[Released to the press April 26]

Since the imposition by the Soviet Government of the blockade of the city of Berlin the three Western Governments have consistently sought to bring about the lifting of that blockade on terms consistent with their rights, duties, and obligations as occupying powers in Germany. It was in conformity with this policy that the Western Governments initiated conversations in Moscow last summer. Following their breakdown, the matter was

referred in September 1948 to the Security Council of the United Nations.

All these efforts ended in failure, and the three Western Governments made it plain that they were not prepared to continue discussions in the light of the Soviet attitude.

Since that time the Western Governments have looked consistently for any indication of a change in the position of the Soviet Government and have been anxious to explore any reasonable possibility in that direction through contacts with Soviet officials.

In this connection the Department of State noted with particular interest that on January 30, 1949, Premier Stalin made no mention of the currency question in Berlin in his reply to questions asked him by an American journalist. Since the currency question had hitherto been the announced reason for the blockade, the omission of any reference to it by Premier Stalin seemed to the Department to indicate a development which should be explored.

With these considerations in mind, Mr. Jessup, then the U.S. Deputy Representative on the Security Council, took occasion, in a conversation on February 15 with Mr. Malik, the Soviet Representative on the Security Council, to comment on the omission by Premier Stalin of any reference to the currency question. Since this question had been the subject of much discussion in the Security Council and in the Experts Committee appointed under the auspices of the Council, Mr. Jessup inquired whether the omission had any particular significance.

One month later, on March 15, Mr. Malik informed Mr. Jessup that Premier Stalin's omission of any reference to the currency problem in regard to Berlin was "not accidental," that the Soviet Government regarded the currency question as important but felt that it could be discussed at a meeting of the Council of Foreign Ministers if a meeting of that body could be arranged to review the whole German problem. Mr. Jessup inquired whether this meant that the Soviet Government had in mind a Foreign Ministers' meeting while the blockade of Berlin was in progress or whether it indicated that the blockade would be lifted in order to permit the meeting to take place.

The information as to the Soviet Government's attitude revealed in these informal contacts was immediately conveyed to the British and French Governments.

On March 21 Mr. Malik again asked Mr. Jessup to visit him to inform him that if a definite date could be set for the meeting of the Council of Foreign Ministers, the restrictions on trade and transportation in Berlin could be lifted reciprocally and that the lifting of the blockade could take place in advance of the meeting.

Taking advantage of the presence of the Foreign Ministers of Great Britain and France in

Washington, the recent developments in regard to the Soviet attitude were discussed with them.

An agreed position was reached among the three Western Powers. In order that there should be no misunderstanding in the mind of the Soviet Government in regard to this position, a statement was read to Mr. Malik by Mr. Jessup on April 5. The purpose of this statement, which represented the agreed position of the three Western Powers, was to make clear that the points under discussion were the following:

1. Reciprocal and simultaneous lifting of the restrictions imposed by the Soviet Union since March 1, 1948, on communications, transportation, and trade between Berlin and the Western zones of Germany and the restrictions imposed by the Three Powers on communications, transportation, and trade to and from the Eastern zone of Germany.

2. The fixing of a date to be determined for a meeting of the Council of Foreign Ministers.

The Western Powers wished to be sure that these two points were not conditioned in the understanding of the Soviet Government on any of the other points which in the past had prevented agreement upon the lifting of the blockade.

The statement summarized the understanding of the three Governments of the position which the Soviet Government took concerning the proposal of lifting the blockade and the meeting of the Council of Foreign Ministers. Its purpose was to make unmistakably clear that the position of the Soviet Government was as now stated in the release of the Tass Agency.

On April 10 Mr. Malik again asked Mr. Jessup to call upon him at that time and again stated the position of the Soviet Government. From this statement it appeared that there were still certain points requiring clarification.

As a result of this meeting, further discussions took place between the three Governments, which have resulted in a more detailed formulation of their position, which will be conveyed by Mr. Jessup to Mr. Malik.

If the present position of the Soviet Government is as stated in the Tass Agency release as published in the American press, the way appears clear for a lifting of the blockade and a meeting of the Council of Foreign Ministers. No final conclusion upon this can be reached until further exchanges of view with Mr. Malik.

[Released to the press April 27]

In a statement to the press April 26, the Department of State noted that Mr. Jessup would have a further talk with Mr. Malik in continuation of the informal conversations which had taken place regarding the lifting of the Berlin blockade and a possible meeting of the Council of Foreign Ministers.

Mr. Jessup saw Mr. Malik on April 27 as planned and communicated to him informally the position of the three Governments. The Governments of France and of the United Kingdom will, of course, be informed concerning this conversation.

INTERNATIONAL AUTHORITY FOR THE RUHR ESTABLISHED

[Released to the press April 28]

In accordance with the decision reached by Foreign Ministers at their recent meeting in Washington, the agreement for establishment of an International Authority for the Ruhr was signed

on April 28 at the Foreign Office in London.

Foreign Secretary Bevin signed for the United Kingdom, M. Massigli, French Ambassador on behalf of France, and Julius Holmes, American Minister Plenipotentiary in London, on behalf of the United States. The Belgian Ambassador, the Netherlands Ambassador, and the Luxembourg Minister signed on behalf of their respective governments.

In accordance with the terms of the agreement, which was published on December 29 last year, meetings of appropriate representatives will be held in near future to undertake work of organizing and setting up authority itself.

Jurisdiction of U.S. Courts Re Suits for Identifiable Property Involved In Nazi Forced Transfers

[Released to the press April 27]

As a matter of general interest, the Department of State publishes herewith a copy of a letter of April 13, 1949, from Jack B. Tate, Acting Legal Adviser, Department of State, to the attorneys for the plaintiff in Civil Action No. 31-555 in the United States District Court for the Southern District of New York.

The letter repeats this Government's opposition to forcible acts of dispossession of a discriminatory and confiscatory nature practiced by the Germans on the countries or peoples subject to their controls; states that it is this Government's policy to undo the forced transfers and restitute identifiable property to the victims of Nazi persecution wrongfully deprived of such property; and sets forth that the policy of the Executive, with respect to claims asserted in the United States for restitution of such property, is to relieve American courts from any restraint upon the exercise of their jurisdiction to pass upon the validity of the acts of Nazi officials.

Copies of the letter were also sent to the court and to the attorneys for the other parties to the litigation. The letter is as follows:

April 13, 1949

BENNETT, HOUSE, & COULTS,
Counselors at Law,
44 Wall Street,
New York 5, New York.

SIRS: You have brought to the attention of the Department Civil Action No. 31-555 now pending in the United States District Court for the Southern District of New York between Arnold Bernstein, plaintiff, and N. V. Nederlandsche-Amerikaansche Stoomvaart-Maatschappij, also known as Holland-America Line, defendant, and Chemical Bank and Trust Company, third-party

defendant, which involves certain matters treated in the case of *Bernstein v. Van Heyghen Freres Societe Anonyme*, 163 F. 2d 246 (C. C. A. 2d 1947), cert. den. 332 U.S. 772 (1947).

You have pointed out that the Circuit Court of Appeals in the *Van Heyghen* case stated:

"... a court of the forum will not undertake to pass upon the validity under the municipal law of another state of the acts of officials of that state, purporting to act as such." (page 250)

"... no court will exercise its jurisdiction to adjudicate the validity of the official acts of another state." (pages 249-250)

The court held that the Executive had not "acted to relieve its courts of restraint upon the exercise of their jurisdiction" (page 250) or had not "indicated any positive intent to relax the doctrine that our courts shall not entertain actions of the kind at bar". (page 251) It was therefore concluded that in the circumstances the court was without power to inquire into the acts of spoliation alleged to have been perpetrated on Bernstein in Germany in 1937-1938 in which Nazi officials of Germany were claimed to have been participants.

You have inquired whether the Department might care to express its view concerning the Executive policy of this Government with respect to the exercise by courts of this country of jurisdiction in such cases. The Department considers the matter an important one and is pleased to express its views as follows:

1. This Government has consistently opposed the forcible acts of dispossession of a discriminatory and confiscatory nature practiced by the Germans on the countries or peoples subject to their controls. In this connection reference is made to the following:

Department of State Bulletin

a. Inter-Allied Declaration against Acts of Dispossession of January 5, 1943, United States Economic Policy toward Germany (Dep't State Pub. 2630) 52;

b. Gold Declaration of February 22, 1944, 9 Fed. Reg. 2096 (1944);

c. The Potsdam Agreement of August 2, 1945, 13 Dep't State Bull. 153 (1945);

d. Directive to the Commander-in-Chief of the United States Forces of Occupation Regarding the Military Government of Germany, April 1945, JCS 1067, paragraphs 4 (d), 48 (e) (2), 13 Dep't State Bull. 596 (1945);

e. Directive to Commander-in-Chief of United States Forces of Occupation Regarding the Military Government of Germany, July 11, 1947, paragraph 17d, 17 Dep't State Bull. 186 (1947);

f. Law No. 1 of the Allied Control Council (Off. Gaz. of the Control Council for Germ. No. 1, Oct. 29, 1945);

g. Military Government Law No. 1 (Mil. Gov. Gaz.-U.S. Zone June 1, 1946);

h. Military Government Law No. 52, secs. 1(f), 2 (Mil. Gov. Gaz.-U.S. Zone June 1, 1946);

i. Military Government Law No. 59 on Restitution of Identifiable Property (Mil. Gov. Gaz.-U.S. Zone Nov. 10, 1947).

2. Of special importance is Military Government Law No. 59 which shows this Government's policy of undoing forced transfers and restituting identifiable property to persons wrongfully deprived of such property within the period from January 30, 1933 to May 8, 1945 for reasons of race, religion, nationality, ideology or political opposition to National Socialism. Article 1 (1). It should be noted that this policy applies generally despite the existence of purchasers in good faith. Article 1 (2).

3. The policy of the Executive, with respect to claims asserted in the United States for the restitution of identifiable property (or compensation in lieu thereof) lost through force, coercion, or duress as a result of Nazi persecution in Germany, is to relieve American courts from any restraint upon the exercise of their jurisdiction to pass upon the validity of the acts of Nazi officials.

Copies of this letter are being transmitted to Judge Sylvester J. Ryan and to the attorneys for the other parties to the litigation.

Very truly yours,

JACK B. TATE
Acting Legal Adviser

Research and Teaching Opportunities in Italy

[Released to the press April 30]

More than 175 opportunities for Americans to undertake graduate study or advanced research,

May 8, 1949

or to serve as visiting professors in Italy under the Fulbright Act were announced on April 30 by the Department of State. The awards, which are the first offered for Italy under the provisions of the Fulbright program, are payable in Italian lire. Graduate scholarships under this program ordinarily cover the round-trip travel, maintenance, tuition, and necessary books and equipment of the grantee. Grants to visiting professors and research scholars ordinarily include round-trip transportations, a stipend, a living and quarters allowance, and an allowance for purchases of necessary books and equipment.

One hundred and forty of these awards are offered to American students for graduate study in Italy.

Eighteen grants are announced for Americans to serve as visiting professors in Italian universities, and twenty awards for American research specialists to work under the sponsorship of Italian institutions.

In addition, grants for round-trip travel are announced for more than 100 Italian citizens for study, teaching, or research in the United States. These awards do not cover expenses in the United States, which must be met from other sources.

Candidates for all grants will be selected upon the basis of merit by the United States Board of Foreign Scholarships. Veterans will be given preference provided their other qualifications are approximately equal to those of other candidates. Final selection of visiting professors and research scholars and their assignment to Italian universities and institutions will be made also upon the basis of the appropriateness of their fields of teaching or study to Italian needs and the facilities available in Italy for their research.

The awards are offered under Public Law 584 (79th Congress), the Fulbright Act, which authorizes the Department of State to use foreign currencies and credits acquired through the sale of surplus property abroad for programs of educational exchanges with other nations. Agreements have been signed with the following countries which are now participating in the program: China, Burma, Greece, the Republic of the Philippines, New Zealand, Belgium and Luxembourg, United Kingdom, France, and Italy.

Graduate students interested in the possibilities for study in Italy should make application to the Institute of International Education, 2 West Forty-fifth Street, New York 19, New York, before June 15.

Persons interested in the opportunities listed above for visiting professors and research scholars should write to the Conference Board of Associated Research Councils, 2101 Constitution Avenue, Washington 25, D.C., for application forms and additional information concerning fields of teaching and research, sponsoring institutions, and conditions of award.

The North Atlantic Treaty and the Role of the Military Assistance Program

STATEMENT BY SECRETARY ACHESON¹

I welcome this opportunity to discuss with you the North Atlantic Treaty signed on April 4. That treaty is no new document to you. It has been developed, to an extent without parallel in my knowledge, as a cooperative enterprise between the executive and legislative branches of the Government and particularly between the Department of State and this Committee. Without the vision and assistance of your chairman, of your former chairman, and the members of this Committee, this treaty could never have been concluded. The text embodies many constructive suggestions from members of the Committee.

The President has spoken on the treaty in recent weeks, and the Department of State has made available a considerable amount of source material regarding it. Since you already have in your possession some of what I shall say today, I shall make my statement as short as possible and will then be at your disposal for questions.

I should like briefly to review with you the reason for this treaty, and its purposes.

It has been well said that "Everyone wants peace, but not everyone is prepared to work for it." No people in this world want peace more than the American people. They have always wanted it, they have sought it in various ways, but they have not always been ready to work for it. If we wish peace we must be prepared to wage peace, with all our thought, energy, and courage. That is the purpose of this treaty.

When the United States was a small and weak country, isolated by many weeks from other continents, our forefathers wisely based our foreign policy upon the realities of those times, and we managed to stay apart, to a large extent, from developments in other lands.

However, our responsibility for assisting in the maintenance of peace beyond our borders has been long recognized and assumed. For more than a century and a quarter this Government has contributed to the peace of the Americas by making clear that it would regard an attack on any American state as an attack on itself. We gave our unilateral declaration to this effect. As the years passed and our neighbors to the south grew in stature, they accepted a similar responsibility.

But beyond this responsibility, we did not see clearly the impact of an unstable world on our

security. In 1920 many nations of the world joined in an attempt to maintain international peace and security through the League of Nations. Although the President of the United States had played a leading part in drafting the League Covenant, the United States was not prepared to enter the League, and we withdrew from the participation with other nations in their first effort to wage peace on a world-wide basis. As a consequence, we had no effective means to prevent the Second World War.

But by 1945 after the tragedy of involvement in a second world war, we realized fully that times had changed, drastically and irrevocably. It is the responsibility of this generation to base the conduct of foreign affairs upon the realities of today. Today no place on earth is more than a few hours distant from any other place. Today neither distance nor ocean nor air affords security. Security today and henceforward can only be assured, in the President's words, by stopping war before it can start.

In 1945 a new and greater effort for the maintenance of international peace and security was undertaken in the establishment of the United Nations. In the preamble of the Charter the peoples of the United Nations expressed their determination—

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind . . .

And for these ends

to practice tolerance and live together in peace with one another as good neighbors, and

to unite our strength to maintain international peace and security, and

to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest . . .

The first purpose of the United Nations, as stated in article 1 of the Charter is—

to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

The American people overwhelmingly accepted this commitment and the other commitments laid down in the Charter. They showed not merely their desire for peace, but their determination to

¹ Made at the hearings before the Senate Committee on Foreign Relations on Apr. 27, 1949, and released to the press on the same date.

work for peace through full participation in "effective collective measures for the prevention and removal of threats to the peace and for the suppression of acts of aggression." The hopes of the American people for peace with freedom and justice are based on the United Nations.

The Charter not only spells out, as did the Kellogg Pact, the essential principle of settling disputes by peaceful means instead of by war, it goes much further. The Charter commits all members of the United Nations to certain principles in the conduct of their foreign affairs which would, if carried out, do a number of things. First, they would secure peace and do away with the use of force as an instrument of national policy. Second, they would establish the right of nations to independence and self-determination. Third, they would establish that economic, social, and other problems can and should be worked out by international agreement and for the benefit of the peoples of all countries. Fourth, they would recognize and further human rights and fundamental freedoms. Here is more than a vague expression. These are the foundations of a world system, based on law, which would do far more than merely prevent war.

Still, the Charter goes further. It establishes machinery and procedures for furthering these purposes. The fundamental fact of the Charter is that these mechanisms and procedures are the institutions and procedures of free peoples, based on solving difficulties and making progress through investigation of facts, free discussion, and decisions by adjustment among representatives of the member nations, all of whom accept and are attempting to achieve the purposes of the world organization.

Now, any organization of free individuals or free peoples whether it is a private one, or a national one, or an international one, must proceed upon the basis that the vast bulk of those within it are firmly attached to the basic principles of the organization and are trying to carry them out. If this is so, adjustments are made within the area of common purposes; and, no matter how sharp disagreements may be, there are common principles to which appeal may be made and which basically govern the conscience and behavior of the members. Whenever a powerful minority repudiates the basic principles and uses the procedures to accomplish directly contrary purposes or to frustrate the organization, then it obviously will not work as intended.

Here lies the basic difficulty which the United Nations has faced—a difficulty which would produce serious problems in any international organization, however perfectly devised. This difficulty is that a powerful group, even though a minority, has not genuinely accepted the purposes and principles of the organization and has used its institutions and procedures to frustrate them.

This is not a defect of machinery. It is a defect in the basic attitude of some of the members which no change of machinery or procedure can cure.

One of the principal problems which has grown out of this situation which I have described is that a sense of insecurity and a fear of aggression have grown up in an important section of the world which is struggling to recover economically, politically, and socially from the drains of the last war. The recovery of this area is of vital concern to the whole world.

To attain a sense of security and to be free from the constant fear of armed attack is certainly one of the prime objectives of the United Nations. How, then, is this objective to be obtained when a few of the members of the United Nations frustrate the attempt to attain it through the machinery provided in the Charter? It is certainly not to be obtained by doing nothing about it. It is certainly not hostile to the United Nations or contrary to the Charter to attempt to attain this objective by methods wholly consistent with the Charter.

The United Nations is not a thing in itself. It is not an end in itself. It is a means to an end. The end is progressive development of a peaceful and stable world order where law rather than force and anarchy will govern the conduct of nations in their foreign relations. It was never in the minds of the framers of the Charter that the organization set up under it should be so distorted as to become an international instrument which paralyzed the pacific nations of the world, the possible victims of aggression, while leaving a would-be aggressor with completely free hands to deal with them one by one. In order that there should be no misunderstanding on this point, article 51 was inserted in the Charter.

If I may use an understatement, the sense of insecurity prevalent in Western Europe is not a figment of the imagination. It has come about through the conduct of the Soviet Union. Western European countries have seen the basic purposes and principles of the Charter cynically violated by the conduct of the Soviet Union with the countries of Eastern Europe. Their right to self-determination has been extinguished by force or threats of force. The human freedoms as the rest of the world understands them have been extinguished throughout that whole area. Economic problems have not been solved by international cooperation but dealt with by dictation. These same methods have been attempted in other areas—penetration by propaganda and the Communist Party, attempts to block cooperative international efforts in the economic field, wars of nerves, and in some cases thinly veiled use of force itself.

By the end of 1947 it had become abundantly clear that this Soviet pressure and penetration was being exerted progressively further to the west. In January 1948, the British Foreign Sec-

retary, Ernest Bevin, said that if any one power attempted to dominate Europe by whatever means, direct or indirect, it would inevitably lead to another world war unless this policy could be checked by peaceful means. He declared that if peace and security were to be preserved it could be done only "by mobilization of such a moral and material force as will create confidence and energy in the West and inspire respect elsewhere."

With encouragement from the United States the Brussels treaty was signed on March 17, 1948.² The Brussels treaty system took the form, not of a network of bilateral alliances, as had originally been considered, but of a collective defense arrangement within the framework of the United Nations Charter similar in many respects to the Rio treaty. On the day the Brussels treaty was signed, the President, in addressing both Houses of Congress, called the treaty a notable step toward peace and expressed confidence that the determination of the free peoples of Europe to protect themselves would be matched by equal determination on our part to help them do so and that the United States would extend to the free countries the support which the situation might require.³

At that time the Congress had before it a number of proposals for strengthening the United Nations and making it a more effective instrument for the maintenance of international peace and security. My predecessor, General Marshall, and former Under Secretary of State Robert Lovett entered into consultation with the Committee on how the great influence of the United States might best be brought to bear in association with other free nations in strengthening the United Nations and furthering the cause of world peace.

On May 19, 1948, this Committee unanimously reported Senate Resolution No. 239.⁴ That resolution declared:

Whereas peace with justice and the defense of human rights and fundamental freedoms require international cooperation through more effective use of the United Nations: Therefore be it

Resolved, That the Senate reaffirm the policy of the United States to achieve international peace and security through the United Nations so that armed force shall not be used except in the common interest, and that the President be advised of the sense of the Senate that this Government, by constitutional process, should particularly pursue the following objectives within the United Nations Charter:

(1) Voluntary agreement to remove the veto from all questions involving pacific settlements of international disputes and situations, and from the admission of new members.

(2) Progressive development of regional and other collective arrangements for individual and collective self-defense in accordance with the purposes, principles, and provisions of the Charter.

² BULLETIN of May 9, 1948, p. 600.

³ BULLETIN of Mar. 28, 1948, p. 418.

⁴ BULLETIN of July 18, 1948, p. 79.

(3) Association of the United States, by constitutional process, with such regional and other collective arrangements as are based on continuous and effective, self-help and mutual aid, and as affect its national security.

(4) Contributing to the maintenance of peace by making clear its determination to exercise the right of individual or collective self-defense under article 51 should any armed attack occur affecting its national security.

(5) Maximum efforts to obtain agreements to provide the United Nations with armed forces as provided by the Charter, and to obtain agreement among member nations upon universal regulation and reduction of armaments under adequate and dependable guaranty against violation.

(6) If necessary, after adequate effort toward strengthening the United Nations, review of the Charter at an appropriate time by a General Conference called under article 109 or by the General Assembly.

It will be noted that of the six objectives recommended, numbers 1, 5, and 6 were designed to strengthen the United Nations on a universal basis. This requires the agreement of all the major powers. Our efforts to achieve these objectives are being steadily pursued but it has not yet been possible, and I am not able to say when it may be possible, to achieve them.

The second, third, and fourth objectives are designed to promote peace and stability by ancillary methods within the principles of the Charter. In its report on that resolution, the Committee declared that these relatively unexplored resources of the Charter should be further explored and developed as rapidly as possible.

For more than a year the members of the Committee and officers of the Department of State have been in consultation as to the nature of the problems involved, how they might best be met, and how the influence of the United States might best be brought to bear in the cause of peace. Throughout the negotiation of this treaty the United States negotiators have been guided by the wishes of the Senate as expressed in resolution 239. It is highly gratifying that the views of the Senate, as expressed in the unanimous report of this Committee on the resolution and the passage by the Senate of that resolution by a vote of 64 to 4, and in subsequent consultation on the text of the treaty, have been absolutely free of partisan spirit and have been moved solely by the interests of the United States, of the United Nations, and of world peace.

Following the resolution of the Senate, Mr. Lovett undertook to explore the matter with the Ambassadors of Canada, the United Kingdom, France, Belgium, the Netherlands, and Luxembourg. The objective of this Government and of the other Governments participating in these discussions was to establish an arrangement which would:

1. Increase the determination of the parties to resist aggression and their confidence that they could successfully do so;

2. promote full economic recovery through removing the drag of a sense of insecurity;

3. stimulate the efforts of the parties to help

themselves and each other and, through coordination, to achieve maximum effectiveness for defense; and

4. contribute to the maintenance of peace and reduce the possibility of war by making clear the determination of the parties jointly to resist armed attack from any quarter.

I have explained the text of the treaty, article by article, in my report to the President, which is before you, and I will not repeat that explanation at this point. I wish merely to stress certain essential points of the treaty.

The treaty is carefully and conscientiously designed to conform in every particular with the Charter of the United Nations and to contribute to the accomplishments of its purposes. This is made clear in article I, which reiterates and reaffirms the basic principle of the Charter, namely, that the participating countries will settle all their international disputes, not only among themselves but with any nation, by peaceful means in accordance with the provisions of the Charter. This declaration sets the whole tone and spirit of the treaty and provides unmistakable proof that any allegations that the treaty conceals aggressive intentions are obvious perversions of the truth. Democracies, by their very nature, must conduct their affairs openly. They could not, even if they wished, conspire against anyone, individually or collectively. Such allegations are belied both by the terms of the treaty and by the very nature of the free institutions upon which the signatory governments are founded.

Article II demonstrates the conviction of the parties that real peace is a positive and dynamic thing, that it is much more than the mere absence of war. In this article the signatory governments assert that they will strengthen their free institutions and see to it that the fundamental purposes upon which these institutions are founded are better understood everywhere. They also agree to seek to eliminate conflicts in their economic life and to promote economic cooperation among themselves. Here is the ethical essence of the treaty—the common resolve to preserve, strengthen, and make better understood the very basis of tolerance, restraint, freedom, and well-being, the really vital things with which we are concerned.

Article III, of which I will speak further later this morning, embodies in the treaty the concept contained in the Senate resolution of "continuous and effective self-help and mutual aid." This means that no party can rely on others for its defense unless it does its utmost to defend itself and contribute toward the defense of the others.

The basic purpose of the treaty is, as recommended in the Senate resolution, to contribute to the maintenance of peace by making clear the determination of the parties to exercise the right of self-defense under article 51, should armed attack upon any party occur. This provision is

contained in article V. If the treaty accomplishes its purpose, such an armed attack will not occur. In order to accomplish that purpose, however, the parties must state clearly what they would be prepared to do if an armed attack should occur.

Article V recognizes the basic fact that an armed attack upon any party would so threaten the national security of the other parties as to be in effect an armed attack upon all. It further provides that in the event of such an attack each of them will take, individually and in concert with the other parties, whatever action it deems necessary to restore and maintain the security of the North Atlantic area, including the use of armed force.

This naturally does not mean that the United States would automatically be at war if one of the other signatory nations were the victim of an armed attack. Under our Constitution, the Congress alone has the power to declare war. The obligation of this Government under article V would be to take promptly the action it deemed necessary to restore and maintain the security of the North Atlantic area. That decision would, of course, be taken in accordance with our Constitutional procedures. The factors which would have to be considered would be the gravity of the attack and the nature of the action which this Government considered necessary to restore and maintain the security of the North Atlantic area. That would be the end to be achieved. Under the treaty we would be bound to make an honest judgment as to what action was necessary to attain that end and consequently to take such action. That action might or might not include the use of armed force. If we should be confronted again with an all out armed attack such as has twice occurred in this century and caused world wars, I do not believe that any action other than the use of armed force could be effective. The decision, however, would naturally rest where the Constitution has placed it.

I believe it appropriate to outline briefly the role of the proposed military assistance program in our over-all foreign policy and its relationship to the Atlantic pact. As you know, the President will shortly recommend to the Congress the enactment of legislation authorizing the transfer of military equipment and assistance to other nations. As you also know, the proposed program will request authorization and appropriation of \$1,130,000,000 for Atlantic pact countries and approximately \$320,000,000 for other countries, including Greece and Turkey, making a total of \$1,450,000,000 for the fiscal year 1950.

The furnishing of military assistance to the Atlantic pact countries is designed to assist us in attaining the fundamental goal of our foreign policy: the preservation of international peace and the preservation of the security of the United States. Our aid to Greece and Turkey, the European Recovery Program—the greatest of all measures to date in our foreign policy—Senate

Resolution 239, the Atlantic pact, which we are now considering, and the proposed military assistance program, are all designed to this end.

You may ask why it is not enough to have the Atlantic pact alone since it accepts the principle that an attack on one is an attack on all. Why does the Executive believe that it will be necessary to have a military assistance program in addition to the commitments contained in the pact?

The answer is found in the insecurity and the fears of Western Europe and of many of the other freedom-loving nations of the world. Basic to the purposes of the military assistance program is the necessity of promoting economic recovery and political stability by providing a basis for confidence, a sense of security, and a reasonable assurance of peace among European peoples. The military assistance program will improve the defenses and military capabilities of these nations, and thus increase their will to resist aggression and their ability to maintain internal security.

It is understandable that the free nations of Western Europe cannot look forward with equanimity to invasion and occupation in the event of war, even if we guarantee subsequently to liberate them. Nor is it in our own interest to permit them to be occupied with the consequent necessity of the costly liberation of these areas. Our active foreign policy has given rise in Europe to a great momentum of recovery and a great increase in the will to resist. The hope for peace lies in maintaining this momentum. The free countries of Western Europe must be encouraged to continue their efforts towards recovery. Their will to resist and their ability mutually to defend themselves must be strengthened. They must be encouraged and assisted to build up their defense forces, through self-help and mutual aid, to a point where aggression cannot take place through internal disorders growing from the seeds sown by a potential aggressor, or under the guise of border incidents. In short, they must regain, individually and collectively, their ability to maintain their independence and national security. This in itself is an additional deterrent to any would-be aggressor. Thus, even without the existence of the North Atlantic Treaty, the need for assistance for defense of these countries would be the same. With the pact, the assistance, once given, will be infinitely more effective.

It is important, however, to view the objectives of the proposed military assistance program in light of the objectives of article 3, the self-help and mutual aid article, of the North Atlantic Treaty, for the objectives of each are complementary. The objectives of both are to maintain and develop individual and collective capacity to resist by self-help and mutual aid. That is what article 3 is going to do; that is what the proposed military assistance program is going to do. Article 3 does not bind the United States to the proposed military assistance program, nor indeed to

any program. It does bind the United States to the principle of self-help and mutual aid. Within this principle each party to the pact must exercise its own honest judgment as to what it can and should do, to develop and maintain its own capacity to resist and to help others. The judgment of the executive branch of this Government is that the United States can and should provide military assistance to assist the other countries in the pact to maintain their collective security. The pact does not bind the Congress to reach that same conclusion, for it does not dictate the conclusion of honest judgment. It does preclude repudiation of the principle or of the obligation of making that honest judgment. Thus, if you ratify the pact, it cannot be said that there is no obligation to help. There is an obligation to help, but the extent, the manner, and the timing is up to the honest judgment of the parties.

I therefore earnestly trust that the Congress will see fit to enable this Government to carry out that aspect of its foreign policy represented by the proposed military assistance program. At the same time, I urge that both the treaty and the proposed military assistance program should be considered separately and on their own merits.

For my own part I believe that both the North Atlantic Treaty and the military assistance program will contribute to world-wide security.

The treaty is wholly consistent with the Charter and designed to strengthen the system of international law of which the Charter is the basis. It will give security and confidence to the signatory nations, whose common institutions and moral and ethical beliefs draw them naturally together and whose well-being is vital to world recovery.

The added security of these nations does not threaten or weaken any other nation or portion of the world. The principles which draw these nations into natural affinity and which they seek to defend—freedom of the individual, tolerance and restraint, and the rule of law, are the principles which unite free peoples throughout the world.

The determination to provide defense for these principles by the 12 nations joining in this treaty—added to the other steps taken by these and other nations to wage peace—must be an encouragement to all peoples who wish peace based on these principles.

The treaty is the practical expression of the determination that an aggressor cannot divide these nations and pick them off one by one. History has taught us that the absence of such determination and of its clear statement in advance is gravely dangerous. The knowledge that armed attack will be met by collective defense, prompt and effective, will surely have a steadying effect on anyone from whom that transgression might come.

The political and moral strength which this treaty adds to the accumulating economic strength of a vital portion of the world will strengthen

our ability to build a world in which freedom is maintained and expanded and in which the problems remaining and growing out of the war can be solved in an atmosphere free of the fear of aggression.

In conclusion I should like to repeat to you words which the President used at the signing of the treaty:

It is a simple document, but if it had existed in 1914 and in 1939, supported by the nations which are represented here today, I believe it would have prevented the acts of aggression which led to two World Wars. . . .

For us, war is not inevitable. We do not believe that there are blind tides of history which sweep men one way or the other. In our own times we have seen brave men overcome obstacles that seemed insurmountable and forces that seemed overwhelming. Men with courage and vision can still determine their own destiny. They can choose slavery or freedom—war or peace.

I have no doubt which they will choose. The treaty we are signing here today is evidence of the path they will follow.

If there is anything certain today, if there is anything inevitable in the future, it is the will of the people of the world for freedom and peace.

President Truman Transmits the North Atlantic Treaty to the Senate

THE WHITE HOUSE, April 12, 1949.

To the Senate of the United States:

I transmit herewith for the consideration of the Senate a copy of the North Atlantic Treaty, signed at Washington on April 4, 1949, together with a report of the Secretary of State.¹

This treaty is an expression of the desire of the people of the United States for peace and security, for the continuing opportunity to live and work in freedom.

Events of this century have taught us that we cannot achieve peace independently. The world has grown too small. The oceans to our east and west no longer protect us from the reach of brutality and aggression.

We have also learned—learned in blood and conflict—that if we are to achieve peace we must work for peace.

This knowledge has made us determined to do everything we can to insure that peace is maintained. We have not arrived at this decision lightly, or without recognition of the effort it entails. But we cannot escape the great responsibility that goes with our great stature in the world. Every action of this Nation in recent years has demonstrated the overwhelming will of our people that the strength and influence of the United States shall be used in the cause of peace, justice, and freedom.

In this determination, our people wholeheartedly accepted the Charter of the United Nations in 1945. Since then, we have worked unceasingly to reach international agreement through the United Nations and to make the United Nations a more effective instrument for its mighty task.

In the last year we have embarked on a great cooperative enterprise with the free nations of Europe to restore the vitality of the European economy—so important to the prosperity and peace of our country and the world.

The North Atlantic Treaty is further evidence of our determination to work for a peaceful world. It is in accord with the action of the Senate last June when it signified its approval of our country's associating itself in peacetime with countries outside the Western Hemisphere in collective arrangements, within the framework of the United Nations Charter, designed to safeguard peace and security.

The 12 nations which have signed this treaty undertake to exercise their right of collective or individual self-defense against armed attack, in accordance with article 51 of the United Nations Charter, and subject to such measures as the Security Council may take to maintain and restore international peace and security. The treaty makes clear the determination of the people of the United States and of our neighbors in the North Atlantic community to do their utmost to maintain peace with justice and to take such action as they may deem necessary if the peace is broken.

The people of the North Atlantic community have seen solemn agreements, designed to assure peace and the rights of small nations, broken one by one and the people of those nations deprived of freedom by terror and oppression. They are resolved that their nations shall not, one by one, suffer the same fate.

The nations signing this treaty share a common heritage of democracy, individual liberty, and the rule of law. The American members of the North Atlantic community stem directly from the European members in tradition and in love of freedom. We have joined together in the progressive development of free institutions, and we have shared our moral and material strength in the present task of rebuilding from the devastation of war.

The security and welfare of each member of this community depend upon the security and welfare of all. None of us alone can achieve economic

¹ BULLETIN of Apr. 24, 1949, p. 532.

prosperity or military security. None of us alone can assure the continuance of freedom.

Together, our joint strength is of tremendous significance to the future of freemen in every part of the world. For this treaty is clear evidence that differences in language and in economic and political systems are no real bar to the effective association of nations devoted to the great principles of human freedom and justice.

This treaty is only one step—although a long one—on the road to peace. No single action, no matter how significant, will achieve peace. We must continue to work patiently and carefully, advancing with practical, realistic steps in the light of circumstances and events as they occur, building the structure of peace soundly and solidly.

I believe that the North Atlantic Treaty is such a step, based on the realities of the situation we face today and framed within the terms of the United Nations Charter and the Constitution of the United States.

In the conviction that the North Atlantic Treaty is a great advance toward fulfillment of the unconquerable will of the people of the United States to achieve a just and enduring peace, I request the advice and consent of the Senate to its ratification.

HARRY S. TRUMAN.

THE CONGRESS

Senate Document on North Atlantic Treaty Issued

Senate Document No. 48, 81st Congress, entitled the *North Atlantic Treaty*, which was prepared by the staff of the Senate Foreign Relations Committee, contains documents relating to the North Atlantic Treaty.

In the document are maps showing areas defined by the North Atlantic Treaty as well as by the Rio treaty. Part 1 contains the text of the North Atlantic Treaty, the President's message transmitting it to the Senate, and the Secretary's report.

Part 2 relates to the development of the treaty, in which excerpts from the United States Constitution are quoted. The Inter-American defense and United Nations security documents such as the Monroe Doctrine, the Act of Chapultepec, the Rio treaty of reciprocal assistance, the Fulbright and Connally resolutions, and excerpts from the U.N. Charter are printed. Agreements toward the settlement of World War II have been included—the Yalta agreement, the Potsdam agreement, and the draft treaty on the disarmament and demilitarization of Germany offered by the United States at Paris. Under defense treaties of Western Europe

are printed the Dunkirk treaty between Great Britain and France, and the Brussels treaty with pertinent documents. Foreign assistance and military aid furnished by the United States is traced through excerpts from the President's message to Congress on Greek-Turkish aid, the act providing that assistance, parts of the President's Message to Congress in March 1948, the Foreign Assistance Act of 1948, and the convention for European economic recovery with related documents. Steps leading to the North Atlantic Treaty are outlined, beginning with the Vandenberg resolution, quotations from President Truman's inaugural address, and concluding with the white paper on the pact issued by the Department of State.

Part 3 reviews the Soviet System of treaties and the Soviet official position on the North Atlantic Treaty. The Soviet mutual assistance treaties with illustrative texts are printed and also the communiqué on the establishment of the Cominform, a Tass statement on the Soviet Council for Economic Mutual Assistance, a statement of the Soviet Ministry of Foreign Affairs on the North Atlantic Treaty, Soviet protest on the treaty, and the statement of the foreign ministers in reply to the protest.

Part 4 is a chronology of major developments relating to the treaty.

Legislation

Suspension of Import Taxes on Copper. Hearings before the Committee on Finance, United States Senate, 81st Cong., 1st sess. on H. R. 2313, an act to suspend certain import taxes on copper. Feb. 17 and 24, 1949. iii, 24 pp.

Extension of European Recovery Program. Hearings before the Committee on Foreign Affairs, House of Representatives, 81st Cong., 1st sess., on H. R. 2362, a bill to amend the Economic Cooperation Act of 1948. Part 1. Feb. 8, 9, 10, 11, 15, 16, 17, and 18, 1949. ii, 489 pp.

Revised Supplemental Estimate—Payment of Claims for Damages, Audited Claims, and Judgments. Communication from the President of the United States transmitting revised supplemental estimate of appropriation involving an increase of \$61,713.42 for payment of claims for damages, audited claims, and judgments. S. Doc. 24, 81st Cong., 1st sess. 8 pp.

Extending the Authority for the Investigation of the Immigration System, and Increasing the Limit of Expenditures Thereof. S. Rept. 65, 81st Cong., 1st sess., to accompany S. Res. 40. 3 pp.

Relating to the Immigration Status of the Lawful Wives and Children of Chinese Treaty Merchants. S. Rept. 67, 81st Cong., 1st sess., to accompany S. 206. 2 pp.

Providing for the Payment of Certain Swiss Claims. S. Rept. 77, 81st Cong., 1st sess., to accompany S. 612. 5 pp.

Relating to an Investigation of the Immigration Laws and the Administration Thereof. S. Rept. 86, 81st Cong., 1st sess., to accompany S. Res. 40. 1 p.

Promoting the Progress of Science. S. Rept. 90, 81st Cong., 1st sess., to accompany S. 247. 7 pp.

Copper Import-Tax Suspension. S. Rept. 91, 81st Cong., 1st sess., to accompany H.R. 2313. 3 pp.

Charter Proposing an International Trade Organization Transmitted to the Senate

PRESIDENT TRUMAN'S MESSAGE TO THE CONGRESS

To the Congress of the United States:

I submit herewith, for the consideration of the Congress, the Charter for an International Trade Organization, prepared by a conference of the United Nations which met in Havana in 1948, together with a memorandum from the Secretary of State.

The Charter is designed to do two things: to establish a code of international conduct to guide nations in dealing with the fundamental problems of world trade, and to create an agency, within the framework of the United Nations, to help implement this code.

We have learned through bitter experience how necessary it is for nations to approach jointly the task of improving the conditions of world trade.

During the 1930's many nations acted independently, each attempting to gain advantage at the expense of others. The result was a vicious circle—with restrictions by one nation provoking more serious restrictions by other nations in retaliation. The end result was a tremendous drop in the volume of international trade which made the general depression worse and injured all countries.

Since the recent war, though some nations have again acted unilaterally, there has been a general resolve to prevent the vicious circle of restrictions and to achieve progressively freer trade. To gain this objective, action by many nations is necessary. No one nation alone, and no small group of nations, can have enough impact on the network of obstructions that has been built up.

The United States program of reciprocal trade agreements has been a shining beacon of cooperative action to reduce tariff barriers, and it is vitally necessary that the Reciprocal Trade Agreements Act be extended in full force.

But it is clear that trade agreements alone are not enough. These agreements do not touch certain important obstacles to the expansion of world trade. Subsidies, cartels, and many other devices have important effects in limiting trade or creating disadvantages for one country as compared with another. What is needed is cooperative action to attack the whole range of obstacles that stand in the way of broadening international trade.

The Havana Charter is a major step toward achieving that objective. It was agreed upon by the representatives of fifty-four nations after more than two years of preparatory study and negotiation.

The Charter establishes an international organization, which is essential to continuous and effective international cooperation in the field of trade. The nations accepting membership in the International Trade Organization commit themselves to abide by fair and liberal principles of trade. They agree to take no action which may injure another nation without first making a genuine effort to reach a constructive solution through consultation either directly between themselves or through the Organization. They agree to work together continuously to achieve progressively greater trade and to settle differences with respect to national policies that affect the flow of international commerce.

The Charter is the most comprehensive international economic agreement in history. It goes beyond vague generalities and deals with the real nature of the problems confronting us in the present world situation. While it does not include every detail desired by this Nation's representatives, it does provide a practical, realistic method for progressive action toward the goal of expanding world trade.

The United States can be proud of its leadership in this constructive action to help the nations of the world work their way out of the morass of restriction and discrimination that has gripped international trade ever since the first world war. The alternative to the Charter is economic conflict and shrinking international trade.

This Charter is an integral part of the larger program of international economic reconstruction and development. The great objectives of the European recovery program will be only partially realized unless we achieve a vigorous world trading system. The economic advancement of underdeveloped areas likewise depends very largely upon increasing the international exchange of goods and services. Thus the Charter is an effective step toward improved standards of living throughout the world, toward the growth of production, and toward the maintenance of employment and economic stability. It is fundamental to the progressive, expanding world economy so vital to the increasing welfare and prosperity of the people of the United States.

The great structure of international cooperation that is being erected through the United Nations must rest upon a solid foundation of continuous cooperation in economic affairs. The Charter for an International Trade Organization is a neces-

sary part of that foundation, along with the special arrangements that have been made in the fields of money and credit, transportation and communications, food and agriculture, labor and health.

As an essential forward step in our foreign pol-

icy, I recommend that the Congress authorize the United States to accept membership in the International Trade Organization.

HARRY S. TRUMAN

THE WHITE HOUSE,
April 28, 1949.

MEMORANDUM FOR THE PRESIDENT FROM THE SECRETARY OF STATE

[Released to the press April 28]

On March 24, 1948, after more than two years of public discussion and international negotiation, the representatives of 54 nations, assembled at Habana, completed a charter for an International Trade Organization for submission to their respective governments. This charter establishes a code of principles to be accepted in the conduct of international trade and an organization to help make them work. The organization would take its place with the International Bank, the International Monetary Fund, and the Food and Agricultural Organization as a specialized agency of the United Nations.

The Economic World Today

The world economy is still seriously out of joint. The aftermath of six years of struggle, with its depletion of financial and material resources and its distortion of the apparatus for the production and distribution of goods, is still with us. There are pronounced imbalances of trade not only between the United States and most of the rest of the world but between other countries.

Despite constructive efforts to cope with these problems, there is still a widespread feeling in the world of economic and political insecurity. Nations face the problems of increasing production and distribution of goods, of finding ways and means to bring the industrialized nations of the world back into full productivity and stability, and of developing and bringing into the area of productive trade the underdeveloped nations of the world.

In such a situation there is a clear need for a body in which policies in the field of trade can be continually discussed, questioned, explained, adjusted, and harmonious agreement reached. The Iro charter provides such a body.

Origins of the Charter

Even while hostilities were still going on, many persons in the United States began to think of how we could reach international agreement after the war which would avoid the mistakes and economic conflict of the inter-war period and set the course of international trade along expanding and liberal lines. The Atlantic Charter enunciated the principle of equal access for all to the markets and the raw materials of the world. Article VII of the mutual aid agreements laid down the prin-

ciple of negotiation for the reduction of tariffs, for the elimination of preferences, and for the removal of discriminatory practices in international trade. As early as 1943, consultation began with representatives of the British and Canadian Governments to develop agreement on principles which ultimately emerged refined and sharpened in the Iro charter.

When the Bretton Woods conference completed its labors in establishing the charters of the International Bank and the International Monetary Fund, the delegates recognized that their work was not complete. They realized that action by nations in the field of the international exchanges and in the field of international investment required complementary action in the field of trade. In the final act of that conference, therefore, they called upon the member nations to continue to work to—

(1) reduce obstacles to international trade and in other ways promote mutually advantageous international commercial relations;

(2) bring about the orderly marketing of stable commodities at prices fair to the producer and consumer alike;

(3) deal with the special problems of international concern which will arise from the cessation of production for war purposes; and

(4) facilitate by cooperative effort the harmonization of national policies of Member States designed to promote and maintain high levels of employment and progressively rising standards of living.

When the Congress accepted membership for the United States in the Bretton Woods organizations, it said—

"In the realization that additional measures of international economic cooperation are necessary to facilitate the expansion and balanced growth of international trade and render most effective the operations of the Fund and the Bank, it is hereby declared to be the policy of the United States to seek to bring about further agreement and cooperation among nations and international bodies, as soon as possible, on ways and means which will best reduce obstacles to and restrictions upon international trade, eliminate unfair trade practices, promote mutually advantageous commercial relations, and otherwise facilitate the expansion and balanced growth of international trade and promote the stability of international economic relations."

Further agreement has now been reached in the Iro charter.

Department of State Bulletin

The basic ideas of the charter were set forth in the United States "Proposals for the Expansion of World Trade and Employment," placed before the peoples of the world for their consideration in December 1945. It was at the suggestion of the United States that the Economic and Social Council of the United Nations, at its first meeting in February 1946, appointed a committee to prepare the agenda for an international conference on trade and employment, the conference which took place at Habana in 1948 and produced the Iro charter. When that preparatory committee met for the first time in London in October 1946, it had before it and adopted as its basic working document a "Suggested Charter for an International Trade Organization" proposed and prepared by the United States. A second meeting of the Committee was held in Geneva in 1947.

After the London meeting, the resulting draft charter was published. Public hearings were held upon it in seven cities in the United States. Extensive hearings were also conducted by the Finance Committee of the United States Senate. Most of the suggestions which were developed at those hearings ultimately found their way into the charter.

Scope of the Charter

The charter is comprehensive and detailed. It is a code of principles designed to guide action. It contains commitments covering a wide range of trade relations. It stands in contrast to the resolutions and recommendations of international economic conferences between the two World Wars, which were uniformly in such general terms and so lacking in substantive content as to have little or no practical effect upon the activities of nations. The charter leaves the world of pious generalities and addresses itself to the more thorny task of providing a guide for action in dealing with specific problems in international trade.

Equally important, the charter provides a mechanism for continuous consultation between nations on policies affecting world trade. It establishes the obligation and the mechanism of consultation and adjustment before action, rather than retaliation after it.

We are pledged to unfaltering support of the United Nations in the conviction that international differences of opinion can best be composed around the conference table. The International Trade Organization will provide the conference room for discussion of problems of international trade. Its rules for action, its means for consultation will together provide a method of meeting world trade problems as they arise and of helping to maintain economic peace.

Objective of the Charter

The objective of the charter can be simply stated. It is to contribute to higher standards of living, to greater production and wider distribution and

consumption of goods and services, and thus to economic and political stability throughout the world. It seeks to do this, first, by reducing public and private barriers which restrict and divert trade; second, by establishing the objective of multilateralism and nondiscrimination in international trade and by providing means and fostering conditions under which this objective can be achieved as rapidly as possible; third, by providing a means for dealing with problems arising out of surpluses of primary commodities; fourth, by promoting the economic stability and the maintenance of employment so essential to liberalization of trade policy; and, fifth, by advancing the economic development of underdeveloped areas, which have so great a contribution to make to their own welfare and that of the world.

The Substantive Commitments of the Charter

Many of the substantive commitments of the charter are based on familiar principles of United States policy. Others are of a pioneering character. In the first group are:

(a) The commitment that member nations will stand ready to negotiate for the reduction of tariffs and the elimination of tariff preferences. This is simply international acceptance of a policy long followed by the United States under the Hull reciprocal-trade-agreements program. So far as the United States is concerned, this commitment will be carried out under the authority and procedures of the Reciprocal Trade Agreements Act.

(b) Commitments designed to limit the use of indirect forms of protectionism, such as discriminatory internal taxes, mixing regulations, and arbitrary and concealed barriers in the guise of customs regulations. The principal effect of these commitments will be to concentrate charges upon imports at the customs frontier, to make it widely and definitely known exactly what these charges are, to simplify as much as possible the binding red tape of customs administration, and to secure a wider degree of uniformity in such administration. The provisions of the charter dealing with this subject represent the widest area of detailed agreement yet reached internationally in this complicated and highly important field.

(c) A condemnation in principle of the use of quantitative restrictions, a limitation of their use in practice to specified situations in which all nations are agreed that their use is permissible, and a commitment to keep their use subject to international scrutiny and control.

(d) Acceptance of the basic principle of non-discrimination and equal opportunity in international trade; the principle of unconditional most-favored-nation treatment.

These principles are familiar in the United States. They have long been incorporated in our trade agreements and commercial treaties. In the charter they are reaffirmed as objectives in all

cases and as rules of immediate and present behavior in cases where that is now possible. Where deviation is required by the exigencies of particular situations, the degree of deviation from the principle, and the conditions under which such deviation will be recognized as legitimate, are specifically laid down.

Some changes in present United States law will be necessary for full compliance with the charter. These changes, however, are relatively few in number and scope. They will be pointed out in detail to the Congress during the presentation of the charter, and necessary legislation will be presented later.

The charter, however, recognizes that governmental trade barriers and discriminations represent only part of the obstacles to increased trade in today's economic world. It therefore goes on to attack problems not hitherto dealt with in broad-scale international agreement.

The charter contains the first set of international commitments with respect to the restrictive practices of private and public international cartels. In many cases such practices can be as effective and as harmful to the development of international trade as the more familiar restrictions imposed by governments. The charter defines these harmful practices, and contains commitments by the member nations to take necessary action according to their own constitutional and legal systems to secure the abandonment of practices found to be injurious.

The charter contains the first set of commitments by governments to guide the operation of their state-trading enterprises. The development of state trading has been a phenomenon of increasing importance in the field of international trade. The purpose of the charter commitments is to subject the conduct of such enterprises, as much as possible, to the same criteria as those which normally govern the operation of private enterprises.

The charter contains the first set of international rules with respect to the formulation and operation of intergovernmental commodity agreements. Many special problems arise in the field of primary commodities. These are often produced by large numbers of small producers and surpluses cause widespread hardship. Price fluctuations can be and often are violent.

Intergovernmental action is frequently required to assist in dealing with such problems. In the past such action has normally been by agreement only of the producing countries. The charter, among other things, would require that in any such agreement consuming countries will have an equal voice with producing countries, a new requirement for commodity agreements.

The charter contains provisions for consultation between members with respect to their use of subsidies, with a view to limitation of such use when it proves to be harmful to other nations' interests.

The charter recognizes the importance to international trade of a high and stable level of demand in the member countries. The reduction of barriers to international trade will be of little avail if there is no demand for the products of international trade. The full realization of demand for the products of international trade cannot be achieved if there are unnecessary barriers to the exchange of such products. These are two sides of the same coin. In the charter, member countries would commit themselves to use their best efforts according to their own constitutional procedures, such as our Employment Act of 1946, to achieve and maintain within their borders full and productive employment.

Finally, the charter recognizes the fundamental importance of the economic development of underdeveloped countries. Vast areas of the world are in very early stages of economic and industrial development, resources are not fully utilized, poverty is widespread, starvation and disease are ever present. Such conditions provide no basis for economic progress or political stability. They are fertile breeding grounds for discontent and unrest.

It is to the common interest of all nations to see such areas brought to a higher stage of economic development. This can be done by the efforts of the people and governments of the areas themselves, by the efforts of private industry, agriculture, and labor in other countries, by the help of other governments, and by the help of international agencies. Therefore, the charter contains provisions designed to facilitate the flow of technological information and private capital into areas which need and can use them and, at the same time, to safeguard those areas against abuses of foreign investment which have unhappily taken place in the past.

These provisions of the charter were of deep and primary concern to a large number of the countries represented at Habana. They are of concern to the United States also. For it is in this area that the United States and other highly industrialized and developed countries can make a great contribution to the sound development of other nations and, at the same time, to our own prosperity.

The Exceptions in the Charter

The charter is designed as a set of principles to be observed in action. It is not just a set of temporary rules to meet the present abnormal and emergency economic situation. It is designed also for the longer term. It will represent agreement as to future objectives as well as to the rules for today's action.

Many of the commitments, such as those dealing with negotiations for the reduction of tariffs and elimination of preferences, the abolition of discriminatory internal taxes and regulations, the

simplification and publication of customs regulations, the negotiation and operation of commodity agreements, the limitation of the restrictive practices of cartels, and others, can be, and must be, immediately and fully lived up to.

Other commitments cannot, in the postwar economic world, be fully lived up to by all countries immediately.

For example, the members of the Ito will commit themselves to abandon the use of quantitative restrictions. But during the postwar transition period, it is inescapably necessary for many, if not most, countries to budget their foreign purchases. Therefore, the charter provides that when countries are in real balance-of-payments difficulties they may use quantitative restrictions to limit their expenditures of foreign exchange. When the circumstances which the charter recognizes as justifying the use of such restrictions have been corrected, members are committed to abandon them.

Under certain circumstances, countries in the process of economic development may have legitimate need to use restrictive measures, which would otherwise be prevented by the charter, for the development of new industry. Hence, the charter provides certain cases in which this may be done, provided the organization is satisfied that carefully specified conditions, agreed to by all the members, have been met.

Under certain circumstances, a tariff rate negotiated under the commitment of members to negotiate for the reduction of their tariffs may cause or threaten unexpected injury to a domestic industry. The charter provides that under such circumstances the country granting that concession may withdraw or modify it to the extent necessary to prevent such injury. This provision is patterned on the escape clause which the United States includes in trade agreements negotiated under the Reciprocal Trade Agreements Act.

Under certain circumstances, it has been necessary for governments to intervene to prevent the disastrous effects of surpluses of agricultural products by programs restricting domestic production or marketing. In such cases it would be unfair for imports to be exempt from control, and they could be limited.

Considerations of national security at times require measures which would not conform to the general principles which would normally be applied under the charter. An exception is, therefore, provided to permit action to be taken by member countries necessary for their national security.

Without exceptions of this kind, members of the organization, ourselves included, could not accept the commitments of the charter. The exceptions are carefully defined and are agreed to by all. Their use is subject to scrutiny by the organization. Their abuse is subject to complaint by the members.

Structure and Functions of the Organization

The International Trade Organization would be a specialized agency of the United Nations. As such, it would enter into relationship with the Economic and Social Council of the United Nations and with the other specialized agencies in order to insure coordinated action and to avoid duplication of activities and functions.

The structure of the organization itself is simple. It will have a Conference composed of all the member nations which will be its fundamental governing body. The Conference will meet periodically, but at least once a year.

The executive functions of the organization will be vested in an Executive Board of eighteen countries, of which eight must be nations of chief economic importance as determined by the Conference. This provision insures a permanent seat for the United States on the Executive Board. Other nations likely to have permanent seats under this test will be the United Kingdom, France, the Benelux Customs Union, and Canada.

Each member country will have one vote in the Conference and on the Executive Board. Decisions of the Conference and of the Executive Board will be by majority vote, except in certain cases where a two-thirds vote is required.

The organization will have a Director General, to be appointed by the Conference on recommendation of the Executive Board, who will be responsible for its day-to-day activities under the direction and supervision of the Executive Board.

With one exception relating to the discriminatory application of restrictions for balance-of-payments reasons the organization will have no power to require any member to take any specific action. It will have the power to decide whether a member has lived up to its commitments under the charter. If it finds that the member has not lived up to a given commitment, it may release other members from certain of their charter obligations to that member, which, if not satisfied with this decision, may in most cases withdraw from the organization on sixty days' notice.

Decisions of the conference of the organization may be referred to the International Court of Justice for legal opinion.

The organization will provide a forum where problems may be discussed and conflicting interests reconciled. It provides a means of bringing to bear upon a given problem the force of international public opinion. It provides a means of developing, on a case-by-case basis, international precedents in the field of economic and commercial relations.

The organization will provide a means for the accumulation and dissemination of trade statistics and information about trade practices of government, e. g., customs regulations, etc., which can be of great service to businessmen.

The organization will be empowered to make studies in various fields, for example, standardiza-

tion, uniformity, and simplification of customs regulations. It can be a means for the collection and dissemination of technological information.

The expenditures of the organization are to be met by contributions from the members. These contributions are to be apportioned among the members in accordance with a scale fixed by the Conference following such principles as may be applied by the United Nations. Should the United Nations place a maximum limit on the proportionate contribution to its budget by any one member, the same limit is to be applied to contributions to the organization.

Place of the ITO in the Structure of International Cooperation

It is apparent that the economic problems facing us today cannot be solved by any one nation, or any few nations, but must be tackled by many nations working together.

We are committed to unfaltering support of the United Nations. We have participated in the building and establishment of the International Monetary Fund to deal with the problems of international exchange. The purpose of the Fund is to promote by international action reasonable stability and convertibility of currencies. Clearly, trade must be brought into balance if currencies are ever to be and remain stable. Regulation of exchange controls is futile if nations are free to use quantitative restrictions instead. To solve the problems of international trade, international cooperation with respect to exchange controls and currency valuation must go hand in hand with international cooperation with respect to other forms of trade barriers and the expansion of demand in international trade.

We have participated in the building and operation of the International Bank for Reconstruction and Development. We are interested in foreign private investment. Clearly, loans cannot be repaid or earnings on investments received if international trade is not fostered and freed. International cooperation in provision of capital must go hand in hand with international cooperation in the development of the kind of conditions in which capital can exercise its catalytic and constructive influence.

We are playing a tremendous part in the great work of European recovery. In the development of the European Recovery Program there has been consistent recognition of the vital importance of increased trade. The participating countries have pledged themselves to cooperate to reduce trade barriers and expand trade in accord with the

principles of the draft charter for an International Trade Organization. Similar pledges are repeated in the Convention for European Economic Cooperation.

Section 115 (b) (3) of the Economic Cooperation Act requires the inclusion in the bilateral aid agreements between each of the participating countries and the United States a general undertaking to cooperate in facilitating and stimulating an increasing interchange of goods and services and in reducing barriers to trade. In accord with this Congressional mandate a provision to this effect was included in the bilateral aid agreements with the participating countries.

The European Recovery Program is designed to help put the European countries on their feet. The ITO charter provides principles and rules of trade which if followed over the long term will give them the best chance of staying on their feet. The problem is one of markets as much as it is one of production. Our investment in the European Recovery Program can be fully realized only if the participating countries are able and willing to adopt trade policies which will foster multilateral, nondiscriminatory, and expanding international trade, rather than policies of bilateralism, discrimination, limitation, and control. Wide acceptance of the charter throughout the world would mean that many other nations besides those in Western Europe would be marching in the same direction and with the same purpose.

We are deeply interested in assisting in the development of underdeveloped areas of the world. We hope to see these areas develop under political and economic institutions in which human dignity and freedom can be preserved. In particular, we hope to increase the international flow of technical knowledge. This is not something which we can, or would wish, to do alone. Other nations have great reservoirs of knowledge and experience which they too can, and will be glad to, share. The International Trade Organization will be one means whereby resources of knowledge may be pooled and directed to the areas and projects where they can be most constructive.

Conclusion

Thus, the International Trade Organization, like the other specialized agencies of the United Nations, is part of a pattern—the pattern of the great majority of a community of nations cooperating together in various fields of the community's life to provide the services which the community needs.

Steps Taken for Safety of Americans in Lower Yangtze Valley

NOTICE BY U.S. CONSULATE GENERAL

[Released to the press April 26]

The following announcement to American citizens was issued by the U.S. Consulate General in Shanghai on April 25, pursuant to the Department of State authorization and consultation with Admiral Badger:

As pointed out in the statement issued by the Consulate General on April 23, the recent incidents on the Yangtze require a reappraisal of the plans which have been made for the evacuation of Americans to points of safety in the event that conditions in Shanghai should become so hazardous as to make this appear to be desirable. The commanding officer of the American naval forces stationed at Shanghai, pursuant to this reappraisal and to his instructions not to become involved in China's fratricidal civil war, is shortly moving his heavy units from close anchorages in the Whangpoo to the lower Yangtze.

Contact will be maintained by small craft between Shanghai and the naval units in the lower Yangtze as long as this proves feasible.

American citizens desiring safe haven aboard American naval units will be processed at the American Consulate General starting immediately and will then be received at the U.S. Naval Annex, 627 Yangtzepoo Road. The evacuation unit of the American Consulate General is being reactivated today. Citizens taking advantage of this facility will appreciate that no guarantee can be given that they will be permitted to land again

by the local authorities. The Consulate General will of course continue to function.

Citizens taking advantage of these facilities will realize that accommodations although adequate may not be comfortable. Those not desiring or not able to return to Shanghai will be routed onward by commercial shipping or to Hong Kong or Japan for further routing. American citizens will appreciate that when these facilities are no longer available no further facilities of any kind can be provided by the American authorities for the protection of American citizens in Shanghai and they must be prepared to remain here.

Citizens may wish to check whether commercial facilities are available either on ships or planes. The Consulate General will have the latest information available regarding such facilities. Attention is invited to the fact that additional space has been made available in the *President Wilson* due to depart April 27.

AMBASSADOR STUART INSTRUCTED TO REPORT TO WASHINGTON

[Released to the press April 25]

Ambassador J. Leighton Stuart has remained in Nanking during the take-over of the city by Chinese Communists, as have the chiefs of most other diplomatic missions. Before the Chinese Communist army occupied the city, Ambassador Stuart received instructions that when he considers it advisable, after assuring himself regarding the safety and welfare of the American community in the lower Yangtze Valley area, he is to come to Washington for consultations.

PUBLICATIONS

Department of State

For sale by the Superintendent of Documents, Government Printing Office, Washington 25, D. C. Address requests direct to the Superintendent of Documents, except in the case of free publications, which may be obtained from the Department of State.

European Unity. European and British Commonwealth Series 4. Pub. 3364. 14 pp. Free.

Address by John Foster Dulles, U.S. Delegate to the Third Session of the General Assembly, Paris, Nov. 18, 1948.

Inter-American Treaty of Reciprocal Assistance. Treaties and Other International Acts Series 1838. Pub. 3380. 40 pp. 15¢.

Between the United States and Other American Republics—Opened for signature at Rio de Janeiro Sept. 2, 1947; entered into force Dec. 3, 1948.

Foreign Service List, January 1, 1949. Pub. 3388. 151 pp. 40¢ a copy. Subscription price \$1.50 a year; \$2.00 foreign.

The January issues of the *List* will include the sections showing the posts of assignment, retirements in the Foreign Service, the consular districts, the tariff of Foreign Service fees, the index of persons, and the geographic index. The April, July, and October issues will include only the posts of assignment and the two indexes.

Air Service: Facilities in French Territory. Treaties and Other International Acts Series 1853. Pub. 3391. 2 pp. 5¢.

Agreement between the United States and France Amending Agreement of June 18, 1946—Effectuated by exchange of notes signed at Paris May 8 and 17, 1947; entered into force May 17, 1947.

Double Taxation: Taxes on Income. Treaties and Other International Acts Series 1854. Pub. 3396. 30 pp. 10¢.

Convention between the United States and Denmark—Signed at Washington May 6, 1948; proclaimed by the President of the United States Dec. 8, 1948.

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